

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, May 27, 2003 5:41 PM
To: Dinh, Viet
Cc: Remington, Kristi L; Kyle_Sampson@who.eop.gov
Subject: RE: per Viet's request
Attachments: pic03579.pcx

I know that Kyle talked to the COS's for both Virginia Senators before Claude Allen was announced and both were enthusiastic. (I am cc'ing Kyle on this email as well.) (b) (5)

(b) (5)

(Embedded
image moved "Viet.Dinh@usdoj.gov" <Viet.Dinh
to file: 05/27/2003 05:22:46 PM
pic03579.pcx)

Record Type: Record

To: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (Receipt
Notification Requested), Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: per Viet's request

thanks brett. We are picking up signals (b) (5)

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]

007104-003371

Sent: Tuesday, May 27, 2003 5:16 PM
To: Remington, Kristi L; Dinh, Viet
Subject: per Viet's request

(See attached file: Judges letter 4th Circuit 4 23 03.pdf)

Dinh, Viet

From: Dinh, Viet
Sent: Wednesday, May 7, 2003 5:41 PM
To: 'David_G._Leitch@who.eop.gov'; 'bkavanau@who.eop.gov'
Subject: RE: KUHL

Yes, I asked her to

(b) (5)

-----Original Message-----

From: David_G._Leitch@who.eop.gov [mailto:David_G._Leitch@who.eop.gov]
Sent: Wednesday, May 07, 2003 5:39 PM
To: Dinh, Viet; bkavanau@who.eop.gov
Subject: RE: KUHL

Message-id: <F9A3010FA0FF604DA1C59A44E68E47352A3282@smeop04.eopds.eop.gov> MIME-version: 1.0 X-MIMEOLE: Produced By Microsoft Exchange V6.0.6375.0 Content-type: multipart/related; boundary="Boundary_(ID_yD1esuyGOEei9g69JcIDNQ)"; type="multipart/alternative" Thread-Topic: KUHL Thread-Index: AcMU4OaD0UkAnpwiTxGnkK2nFjylzAAABaSg content-class: urn:content-classes:message X-MS-Has-Attach: X-MS-TNEF-Correlator: X-OriginalArrivalTime: 07 May 2003 21:38:36.0636 (UTC) FILETIME=[0426E1C0:01C314E1]

This is a multi-part message in MIME format.

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boundary="Boundary_(ID_bD8SP/3qKpvm5dVzliqXTg)"

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Content-type: text/plain; charset=us-ascii Content-transfer-encoding: quoted-printable

(b) (5)

20

> -----Original Message-----

> From: Kavanaugh, Brett M. =20
> Sent: Wednesday, May 07, 2003 5:36 PM
> To: Viet.Dinh@usdoj.gov
> Cc: "adam.charnes@usdoj.gov" <adam.charnes@usdoj.gov> (receipt
> notification requested) (ipm return requested);
> "jamie.e.brown@usdoj.gov" <jamie.e.brown@usdoj.gov> (receipt
> notification requested) (ipm return requested);
> "brian.a.benczkowski@usdoj.gov" <brian.a.benczkowski@usdoj.gov>
> (receipt notification requested) (ipm return requested); Leitch, David
> G.; Grubbs, Wendy J.
> Subject: RE: KUHL

007104-003373

> subject: RE: KUHL
>=20
> I think whoever (b) (5)
> (b) (5) should (b) (5)
> (b) (5)
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> =20
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> <<Picture (Device Independent Bitmap)>> "Viet.Dinh@usdoj.gov"
> <Viet.Dinh
> 05/07/2003 05:25:10 PM=09
>=20
> Record Type: Record
>=20
> To: "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov>
> (Receipt Notification Requested) (IPM Return Requested),
> "Jamie.E.Brown@usdoj.gov" <Jamie.E.Brown@usdoj.gov> (Receipt
> Notification Requested) (IPM Return Requested),
> "Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov>
> (Receipt Notification Requested) (IPM Return Requested)
> cc: See the distribution list at the bottom of this message
> Subject: RE: KUHL
>=20
>=20
> <<Picture (Device Independent Bitmap)>>=20
> (b) (5)
>=20
> -----Original Message-----
> From: Charnes, Adam
> Sent: Wednesday, May 07, 2003 5:21 PM
> To: Dinh, Viet; Brown, Jamie E (OLA); Benczkowski, Brian A
> Cc: 'Kavanaugh, Brett'; 'David_G_Leitch@who.eop.gov'; McCallum,
> Robert;
> Olson, Theodore B; 'wgrubbs@who.eop.gov'
> Subject: RE: KUHL
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>=20
> Obvious problem (b) (5)
> (b) (5)
>=20
> -----Original Message-----
> From: Dinh, Viet

> Sent: Wednesday, May 07, 2003 5:18 PM
> To: Brown, Jamie E (OLA); Benczkowski, Brian A; Charnes, Adam
> Cc: 'Kavanaugh, Brett'; 'David_G_Leitch@who.eop.gov'; McCallum,
> Robert;
> Olson, Theodore B; 'wgrubbs@who.eop.gov'
> Subject: RE: KUHL

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> The memo referenced below is (b) (5)

> (b) (5) recommending (b) (5)

> (b) (5)

>=20

> My view is (b) (5)

> (b) (5)

> -----Original message-----

> From: Brown, Jamie E (OLA)
> Sent: Wednesday, May 07, 2003 4:08 PM
> To: Benczkowski, Brian A; Charnes, Adam; Dinh, Viet
> Cc: Scottfinan, Nancy
> Subject: FW: KUHL

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>=20

> (b) (5)

>=20

> -----Original Message-----

> From: David_Hantman@Judiciary.senate.gov
> [mailto:David_Hantman@Judiciary.senate.gov]
> Sent: Wednesday, May 07, 2003 4:06 PM
> To: Brown, Jamie E (OLA); Wendy_J._Grubbs@who.eop.gov
> Subject: KUHL

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> Senator Feinstein has asked us to procure for her the memo

> Carolyn Kuhl

> wrote regarding the "Thornburgh" brief while at DOJ.

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> Is this memo available to us?

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> Thanks,

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^~z0

> David

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>=20

> David S. Hantman

>=20

> Minority Chief Counsel and Staff Director

>=20

> Subcommittee on Terrorism, Technology and Homeland Security

>=20

> Dianne Feinstein, Ranking Member

>=20

> United States Senate Judiciary Committee

>=20

> Hart Senate Office Building, Room 815

>=20

> Washington, D.C. 20510

>=20

> (ph) (b) (6)

>=20

> (fax) 202-228-2258

>=20

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> Message Copied

> To: _____=09

> David G. Leitch/WHO/EOP@EOP

> "Robert.McCallum@usdoj.gov"

> <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM

> Return Requested)

> "Theodore.B.Olson@usdoj.gov"

> <Theodore.B.Olson@usdoj.gov> (Receipt Notification Requested) (IPM

> Return Requested)

> Wendy J. Grubbs/WHO/EOP@EOP

> Brett M. Kavanaugh/WHO/EOP@EOP

>=20

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<TITLE>RE: KUHL</TITLE>

Dinh, Viet

From: Dinh, Viet
Sent: Wednesday, May 7, 2003 12:32 PM
To: 'David_G_Leitch@who.eop.gov'; Charnes, Adam; Benczkowski, Brian A
Cc: 'bkavanau@who.eop.gov'
Subject: RE:

agreed.

-----Original Message-----

From: David_G_Leitch@who.eop.gov [mailto:David_G_Leitch@who.eop.gov]
Sent: Wednesday, May 07, 2003 11:54 AM
To: Charnes, Adam; Benczkowski, Brian A; Dinh, Viet
Cc: bkavanau@who.eop.gov
Subject: RE:

Judge suggests

(b) (5)

(b) (5)

-----Original Message-----

From: Viet.Dinh@usdoj.gov [mailto:Viet.Dinh@usdoj.gov]
Sent: Wednesday, May 07, 2003 9:21 AM
To: Adam.Charnes@usdoj.gov; Brian.A.Benczkowski@usdoj.gov; Leitch, David G.
Cc: Kavanaugh, Brett M.
Subject: RE:

I know. Call me Hamlet.

-----Original Message-----

From: David_G_Leitch@who.eop.gov [mailto:David_G_Leitch@who.eop.gov]
Sent: Tuesday, May 06, 2003 8:09 PM
To: Charnes, Adam; Benczkowski, Brian A; Dinh, Viet
Cc: bkavanau@who.eop.gov
Subject: RE:

Squish.

-----Original Message-----

From: Viet.Dinh@usdoj.gov [mailto:Viet.Dinh@usdoj.gov]
Sent: Tuesday, May 06, 2003 7:10 PM
To: Brian.A.Benczkowski@usdoj.gov; Adam.Charnes@usdoj.gov; Leitch, David G.
- . . -

007104-003377

Subject: Re:

Looks great (b) (5)
(b) (5)

Thx.

-----Original Message-----

From: Leitch, David G. <David_G._Leitch@who.eop.gov>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>

Sent: Tue May 06 13:40:06 2003

Subject: FW:

(b) (5)

Dinh, Viet

From: Dinh, Viet
Sent: Wednesday, May 7, 2003 9:32 AM
To: 'David_G_Leitch@who.eop.gov'; Charnes, Adam; Benczkowski, Brian A
Cc: 'bkavanau@who.eop.gov'
Subject: RE:

No problema. You will notice that

(b) (5)

(b) (5)

Viet

-----Original Message-----

From: David_G_Leitch@who.eop.gov [mailto:David_G_Leitch@who.eop.gov]
Sent: Wednesday, May 07, 2003 9:28 AM
To: Charnes, Adam; Benczkowski, Brian A; Dinh, Viet
Cc: bkavanau@who.eop.gov
Subject: Re:

On a serious note, thanks for doing this.

.

-----Original Message-----

From: Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>
To: Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov
<Brian.A.Benczkowski@usdoj.gov>; Leitch, David G. <David_G_Leitch@who.eop.gov>
CC: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
Sent: Wed May 07 09:21:24 2003
Subject: RE:

Duplicative Records

Charnes, Adam

From: Charnes, Adam
Sent: Tuesday, April 15, 2003 9:21 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Dinh, Viet
Subject: RE: how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?

I will check. Viet, should (b) (5) ?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, April 15, 2003 9:19 AM
To: Charnes, Adam
Subject: RE: how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?

Colloton received substantial majority Q, minority WQ, and minority NQ. (b) (5)
(b) (5) ?

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image moved "Adam.Charnes@usdoj.gov" <Adam.Charnes
to file: 04/15/2003 08:59:35 AM
pic15039.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?

007104-003380

checking with Sheila.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Monday, April 14, 2003 6:58 PM

To: Charnes, Adam; Dinh, Viet

Subject: how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?

Sales, Nathan

From: Sales, Nathan
Sent: Thursday, April 10, 2003 3:29 PM
To: Charnes, Adam; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Sutton

Not to my knowledge. I'll call and find out.

-----Original Message-----

From: Charnes, Adam
Sent: Thursday, April 10, 2003 3:29 PM
To: Sales, Nathan; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Sutton

Does Hatch have the letter already, from Kennedy or otherwise?

-----Original Message-----

From: Sales, Nathan
Sent: Thursday, April 10, 2003 3:28 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Charnes, Adam
Subject: RE: Sutton

Here you go.

Let me flag an issue for your consideration. (b) (5)

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, April 10, 2003 2:36 PM
To: Charnes, Adam

007104-003382

To: Charnes, Adam
Cc: Sales, Nathan
Subject: Re: Sutton

yes, but (b) (5)

(b) (5) ?

(Embedded
image moved "Adam.Charnes@usdoj.gov" <Adam.Charnes
to file: 04/10/2003 12:09:12 PM
pic10549.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Nathan.Sales@usdoj.gov" <Nathan.Sales@usdoj.gov> Subject: Sutton

Are we sure (b) (5)

(b) (5) ?



Office of the Dean
College of Law

John Deaver Drinko Hall
55 West 12th Avenue
Columbus, OH 43210-1391
Phone 614-292-2631
FAX 614-292-1383

July 2, 2001

Senator Patrick J. Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, DC 20510

Dear Senator Leahy:

I am writing to you in your capacity as Chairman of the Senate Judiciary Committee with regard to your committee's consideration of President Bush's nomination of Jeffrey S. Sutton to serve on the U.S. Court of Appeals for the Sixth Circuit.

Let me first mention a few things about myself, to put my support for Mr. Sutton's confirmation by your committee and the current Senate in context.

I am a lifelong Democrat, and served as the Senior Law Clerk to Chief Justice Earl Warren and as Assistant Solicitor General of the U.S. in the 1960's. In the latter capacity I argued on behalf of the United States and various government agencies in 18 cases in the U.S. Supreme Court. For the past 31 years I have been a legal educator, teaching at Notre Dame, visiting at Virginia, Michigan, and S.M.U., and serving as Dean at the University of Toledo and, from 1985 to 1993, as Dean at The Ohio State University College of Law. In that latter capacity I came to know Jeff Sutton, first as an outstanding law student, and then, with my assistance, as a law clerk for Justices Powell and Scalia on the U.S. Supreme Court. When Jeff returned to Columbus to engage in private law practice with the Jones Day law firm's office, I asked him to co-teach a U.S. Supreme Court seminar with me (something I had been doing for over 20 years), and we did so with considerable success until I retired from Ohio State in 1997 and moved to Florida. Jeff and I complemented each other in the seminar, bringing somewhat differing views to some matters but agreeing on many. I might add that, in addition to teaching Constitutional Law and related subjects for over 30 years, I served for several years as the Legal Director of the National Center for Law and the Handicapped in South Bend, Indiana, and have both expertise in and sensitivity toward those with disabilities.

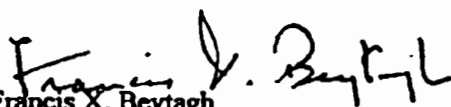
July 2, 2001

Page 2

I believe that Jeff Sutton would be an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly. He is also a competent and experienced appellate lawyer. Indeed, Jeff's qualifications for such a position should be evident from perusal of his resume. I do not regard him as a predictable ideologue, and believe that your committee will reach the same conclusion after his hearing before you. I recommend and support his confirmation without reservation.

Thank you for your attention and consideration.

Sincerely yours,


Francis X. Beytagh
Dean Emeritus
The Ohio State University College of Law

Bonnie Campbell
202/857-6041
campbell.bonnie@arentfox.com

January 7, 2003

The Honorable Patrick J. Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, DC 20510

The Honorable Orrin G. Hatch
Ranking Member, Senate Judiciary Committee
United States Senate
104 Hart Senate Office Building
Washington, DC 20510

Re: Nomination of Jeffrey S. Sutton to the Sixth Circuit

Dear Senator Leahy and Senator Hatch:

I am writing to urge the prompt confirmation of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I believe that Mr. Sutton is eminently qualified and would be a great asset to the federal judiciary.

Mr. Sutton is one of the top appellate advocates in the country, having argued twelve cases in the United States Supreme Court, with a 9-2 record (and one case pending). In the 2000-2001 Term, he argued more cases than any other private attorney in the country, and won all four of them. And in *Hohn v. United States*, 524 U.S. 236 (1998), the Court *sua sponte* appointed Mr. Sutton to argue the case as a friend of the Court. When he served as the State Solicitor of Ohio, the National Association of Attorneys General presented Mr. Sutton with a Best Brief Award for practice in the United States Supreme Court an unprecedented four years in a row. And this month, the American Lawyer included Mr. Sutton in its list of the top forty-five lawyers in the country under the age of forty-five.

I understand that some legal arguments Mr. Sutton has made in the course of representing clients have aroused some controversy in connection with his nomination. Having recent experience myself with the judicial confirmation process, I strongly urge the Senate to reject any unfair inference that Mr. Sutton's personal views must coincide with positions he has advocated on behalf of clients. It is, of course, the role of the advocate to raise the strongest available arguments on behalf of a client's litigation position regardless of the lawyer's personal convictions on the proper legal, let alone policy, outcome of the case. I am confident that Mr. Sutton has the ability, temperament, and objectivity to be an excellent judge.

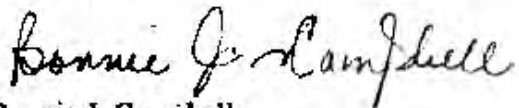
WASHINGTON, DC

NEW YORK

007104-003386

* The Honorable Patrick J. Leahy
* The Honorable Orrin G. Hatch
January 7, 2003
Page 2

Sincerely,


Bonnie J. Campbell

BJC/rw

RICHARD A. CORDRAY
4900 Grove City Road
Grove City, Ohio 43123

Telephone:
(614) 538-1661

Facsimile:
(614) 529-9333

January 3, 2005

The Hon. Patrick J. Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

Re: Jeffrey Sutton, Nominee to the U.S. Court of Appeals for the Sixth Circuit

Dear Senator Leahy,

I am writing to recommend Jeffrey Sutton, who has been nominated to serve as a Judge on the U.S. Court of Appeals for the Sixth Circuit, in the highest possible terms. I can say with great assurance that he has all of the qualities necessary to be an excellent judge, including outstanding intellect, considerable experience, deep personal integrity, an unusually considerate temperament, and strong character.

To put my thoughts about Jeff Sutton in perspective, I am a lawyer and law professor, and I have long been involved in Democratic politics here in Ohio. Over the years, I have served as an elected representative in the Ohio Legislature, as Ohio's first State Solicitor (appointed by our previous Democratic Attorney General Lee Fisher), and I now serve as the elected Treasurer here in Franklin County. My strong recommendation of Jeff thus transcends partisan considerations and is based on my own personal knowledge of him as a friend and colleague for more than a decade. He is the kind of person who deserves to be on the bench, and the bench deserves to have judges like him helping to decide federal cases.

I have known Jeff in many different contexts. We worked together for a time in the same law firm here. We have taught many of the same classes as adjunct professors at the Ohio State University College of Law, including some that we have taught together. As I mentioned above, I was appointed as Ohio's first State Solicitor, in order to represent the State of Ohio in front of the Ohio and United States Supreme Courts. Jeff succeeded me in that position and served there for four years with exceptional distinction. His abilities were recognized not only by the bipartisan body of the National Association of Attorneys General, which singled him out for several awards, but by the United States Supreme Court itself, which went out of its way to appoint him as counsel to represent an indigent defendant in a capital case, which is a very rare occurrence.

007104-003388

Richard A. Cordray
Re: Jeffrey Sutton
January 3, 2003
Page 2

While serving as State Solicitor, Jeff ably defended the State of Ohio in a great variety of civil and criminal cases, including one case in which he advocated the cause of a blind woman who sought admission to professional school. While engaged in private practice, Jeff also was my co-counsel on a brief to the Ohio Supreme Court, on behalf of various civil liberties groups, in a case in which we successfully defended the constitutionality of Ohio's hate crimes law. Our clients in that case included, among other groups, both the NAACP and the Anti-Defamation League. You are no doubt aware of his superlative record as an advocate before the United States Supreme Court, where he has probably argued more cases than any other attorney presently located outside of Washington, D.C., and has prevailed in the vast majority of them.

As stated above, I am a past and current Democratic officeholder here. I myself have argued a number of cases before the United States Supreme Court. Let me state unequivocally that Jeff is a fair and open-minded person who will always give advocates before the Sixth Circuit everything they could ask for: the fullest opportunity to present their case, the confidence that he will listen carefully to their arguments, the certainty that he will be well prepared, the great relief that he will treat them with every kindness and courtesy, and the satisfaction that his decision in each case will be made on the basis of the law and justice to the parties, entirely divorced from any personal sense of bias, intolerance, or prejudice — of which he has none. I therefore ask, with great respect, that you join me in supporting his nomination.

If you have any questions or if I can be of any further help on this matter, please feel free to call me at the above number. Thank you.

Sincerely,



Richard A. Cordray

cc: Members of the Senate Judiciary Committee

SENATOR BOB DOLE

**901 15TH STREET, N.W.
SUITE 410
WASHINGTON, D.C. 20005**

January 16, 2003

**The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510**

Dear Mr. Chairman:

On May 9 of 2001, President Bush nominated to a vacancy on the U.S. Court of Appeals for the Sixth Circuit one of the most distinguished lawyers in the United States: Jeffrey S. Sutton of Columbus, Ohio. I ask that you join me in backing Jeff's nomination, which I support in part because of his demonstrated commitment to safeguarding the rights of all Americans—especially those of persons with disabilities.

As you know, some in the disability-rights community—for whom I have great respect and with whom I have had the privilege of working in the past, including during our joint efforts to pass the landmark Americans with Disabilities Act in 1990—have raised questions about Jeff's nomination. I believe that these criticisms miss the mark, and do so by a wide margin. For during his career as a lawyer, both as an Ohio government official and in private practice, Jeff Sutton has gone out of his way to defend the interests of the disabled.

In 1996, Jeff tried to convince the Ohio Supreme Court that Case Western Reserve University had unlawfully discriminated against Cheryl Fischer, who is blind, when it refused to admit her to its medical school solely on the basis of her disability. Jeff actively sought out the opportunity to represent Ms. Fischer, and he was passionately dedicated to her cause. But don't take my word for it. Here's what Ms. Fischer has to say:

Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff

present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams.

Jeff fell just one vote short of prevailing, but his service to Ms. Fischer leaves no doubt as to his commitment to defending the rights of the disabled.

Cheryl Fischer is not the only person with a disability to be helped by Jeff Sutton. Six years later, Jeff was the lead counsel in a case brought by the National Coalition of Students with Disabilities against the state of Ohio, his former employer. Jeff argued that Ohio universities were failing to provide voter-registration materials to their disabled students, in violation of the federal "motor voter" law. As a direct result of Jeff's efforts, the National Coalition of Students with Disabilities prevailed, and the state of Ohio was made to set up voter-assistance stations at state colleges and universities.

Beyond representing them in court, Jeff Sutton has improved the lives of the disabled through his service to a disability-rights group. Since 2000, Jeff has served on the Board of Trustees of the Equal Justice Foundation, which provides free legal services to the disadvantaged, including persons with disabilities. During his service, the Equal Justice Foundation has filed lawsuits against three Ohio cities demanding that they make their sidewalks wheelchair accessible. It has sued an amusement park that flatly prohibited the disabled from riding its rides. And it has represented a woman with a mental illness who lived in subsidized housing, when her landlord tried to evict her on the ground of her disability.

Again, those who know Jeff Sutton best speak with great eloquence about his dedication to the disabled. Kim Skaggs, the Executive Director of the Equal Justice Foundation, testifies that:

I admired Mr. Sutton's abilities so much that, upon joining the Equal Justice Foundation, I actively recruited him to become a member of the Equal Justice Foundation's Board of Trustees. Much to his credit, Mr. Sutton accepted and has been extremely supportive of the Foundation's work. I believe that Mr. Sutton possesses all the necessary qualities to be an outstanding federal judge. I have no hesitation whatsoever in supporting his nomination.

These are not the actions of a man who is indifferent to the rights of persons with disabilities. Although he defended the state of Alabama in an Americans With Disabilities Act lawsuit, the complete picture of Jeff Sutton's career reveals a consistent concern about the special burdens that the disabled face in their everyday lives, and an equally consistent commitment to alleviating those burdens. In all candor, I believe that my friends in the disability-rights community should be actively supporting Jeff Sutton's nomination. For we are not likely to find a more sympathetic ear on the federal bench.

I do not write these words lightly. As you know, I spent many years in the United States Senate fighting for the rights of the disabled. I co-sponsored and worked hard for passage of the 1990 Americans with Disabilities Act. I have no doubt that, if he is confirmed, Jeff Sutton will

faithfully enforce that law, just as he will enforce all acts of Congress. And I have no doubt that he will scrupulously respect the rights of the disabled, just as he will respect the rights of all Americans.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Dole', written over the printed name.

BOB DOLE

cc: The Honorable Patrick J. Leahy
Ranking Member

TOTAL P. 84

11501 Mayfield Road Apt. 902
Cleveland, OH 44106

May 21, 2001

The Honorable Senator Mike DeWine
Member of the Senate Judiciary Committee
140 Russell Senate Building
Washington, DC 20510

Dear Senator DeWine

A few weeks ago my sister called to tell me that President Bush nominated Jeff Sutton to serve on the Sixth Circuit Court of Appeals. I was thrilled to hear the news.

While working as Solicitor General for the State of Ohio, Jeff represented me in a lawsuit the Ohio Civil Rights Commission brought against Case Western Reserve University on my behalf. I sought but was denied admission to the Case Western medical school. I alleged then, as I continue to believe now, that the school denied my application for one impermissible reason: I'm blind. The Ohio Civil Rights Commission agreed with me. After a thorough investigation, the Commission determined that I was otherwise qualified for admission and that the school could make reasonable accommodations to enable me to pursue training to become a psychiatrist.

The case worked its way through the Ohio courts and ultimately landed in the Ohio Supreme Court. It was at this point that I first met Jeff Sutton. Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams.

Although I ultimately fell short in the courts, Jeff Sutton stood firm by my side. My experience confirmed what President Bush understands: Our nation would be greatly served with Jeff Sutton on the federal bench.

Sincerely yours,



Cheryl A. Fischer

National Coalition for Students with Disabilities
Education and Legal Defense Fund
10560 Main Street Suite 417 Fairfax, VA 22030
(703) 267-6588 Phone (703) 267-6559 Phone (703) 267-6992 TTY

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510
Phone: (202) 224-7703
Fax: (202) 224-9516

January 17, 2002

Dear Mr. Chairman,

The National Coalition for Students with Disabilities would like to express our strong support for the nomination of Jeffery Sutton to the United States Court of Appeals for the Sixth Circuit.

The National Coalition for Students with Disabilities (N.C.S.D.) consists of thousands of college students with disabilities nation-wide. Our mission is to expand opportunities for our members by offering scholarships, leadership training, free legal representation, and other types of assistance. We are the preeminent legal defense fund for college students with disabilities. N.C.S.D. takes on cases of particular legal significance or with the possibility of impacting a large number of our members and files amicus briefs. Our efforts are focused upon developing legal interpretations favorable to our members by crafting creative and persuasive arguments. Indirectly, N.C.S.D. is concerned with judicial nominations, because they might relate to our future success.

N.C.S.D. would like to see a federal judiciary that is sensitive to the concerns of people with disabilities and does not come to the bench with any prejudices about physical or mental limitations of persons with disabilities. Whether it is winning the Tour De France, climbing the highest mountains, or golfing in the PGA, people with disabilities are breaking new barriers every day. However, as people with disabilities push the envelope and enter new endeavors and careers they often run in stereotypes and prejudice. Although there is now a greater acceptance of individuals with physical disabilities, a large percentage of Americans still harbor bias against individuals with mental and emotional disabilities. N.C.S.D. looks for judicial nominees who are as free as possible from bias and have an open mind about the potential of persons with disabilities. Even though we might disagree with someone about an issue, the bottom line is whether they will be fair to persons with disabilities before their court and apply the facts to the law in an unbiased manner.

Unfortunately, many of my colleagues in the disability rights community do not share our views the judicial nomination process and instead expect nominees to agree

with their clients views on specific legal issues. In recent days, I received a number of requests for other organization to subscribe to various efforts to derail Mr. Sutton's nomination, because various individuals dislike legal positions Mr. Sutton has taken as an attorney. N.C.S.D. has refused to sign onto the "Stop Sutton Petition". Instead, N.C.S.D. would like to go on record strongly supporting Mr. Sutton's confirmation.

Petition proponents argue Mr. Sutton should not be confirmed, because he argued the case *Garrett v. Alabama* before the Supreme Court and convinced the Justices that the under Title I of the Americans with Disabilities Act could not be used to sue a state in federal court, because the legislative record before Congress did not demonstrate a pattern of discrimination against persons with disabilities in the area of employment. Absent this type of record, Congress could not exercise its powers under Article V of the 14th Amendment to suspend 11th Amendment immunity. After the decision, the ball was squarely in Congress' court. Congress had and continues to have the ability to convene hearings and develop a thorough record to support abrogation of 11th Amendment immunity. N.C.S.D. strongly objects to the Supreme Court's *Garrett* decision. Many in the disability community including N.C.S.D. are disappointed Congress has not taken up the gauntlet laid down by the Supreme Court. However, it is grossly unfair to blame Jeffery Sutton for this situation. The real underlying issue is dissatisfaction with the *Garrett* decision rather than Mr. Sutton personally. Efforts to defeat Mr. Sutton would be far better spent on lobbying for legislation to overturn the *Garrett* decision.

Second, an attorney in private practice handles numerous cases and clients. A lawyer's role in our system is not to put forward their own views but rather to effectively present their client's views to the court and develop and present legal arguments to support their client's position. For example, a criminal defense lawyer regularly represents persons whom they may dislike and present argument on behalf of clients that they find personally revolting. If one assumed a lawyer subscribed to the views of all of their clients, very few practicing attorneys would be considered qualified for the bench. Certainly, an attorney has discretion in accepting cases. If asked by a client to present a facially discriminatory stance to a court, the attorney could withdraw from the case. Mr. Sutton's argument in *Garrett* was not offensive to persons with disabilities. He was not arguing that persons with disabilities should not have a remedy for discrimination. ~~Rather, he merely argued a state government should not be subject to suit in federal court~~ and could not be sued for damages. His argument did not preclude (1) suits in state court, (2) a suit in federal court for injunctive or declaratory relief and attorney fees, or (3) a case against individual state officials in federal court under 42 U.S.C. 1983 for damages.

As mentioned above, N.C.S.D. test for judicial nominees is whether the candidate is free of bias against persons with disabilities and can fairly apply disability law. Jeffery Sutton clearly meets these criteria. Mr. Sutton has represented the National Coalition for Students with Disabilities pro bono in a case involving voting rights for students with disabilities currently pending in U.S. District Court for the Southern District of Ohio. Many large law firms delegate all pro bono cases to a single low-level

associate, and these firms believe this associate relieves the partners of doing pro bono work. By taking this case pro bono, Mr. Sutton has gone well beyond the norm for attorneys of his caliber. He is a highly successful attorney and obviously has numerous potential paying clients. In light of these facts, Mr. Sutton is exhibiting a truly meritorious commitment to expand disability rights.

Mr. Sutton has been a highly zealous and effective advocate for disability rights. Largely due to his efforts, N.C.S.D. obtained a preliminary injunction and a declaratory judgment in August 2002 requiring Ohio to comply with the National Voter Registration Act, which gives persons with disabilities reasonable accommodations during the voter registration process. The decision had important benefits for thousands of Ohioans with disabilities during this election cycle and sets an important precedent for other litigation pending across the country.

The litigation is somewhat complicated by the fact that N.C.S.D.'s in-house counsel, Michael Beattie, is a blind attorney with a serious speech impediment. Working with Mr. Beattie requires patience and sensitivity toward persons with disabilities. Many people believe it is appropriate to interrupt people who are stuttering or try to help them finish their sentence. Persons with speech impediments regard this type of assistance as rude. In contrast, Mr. Sutton has always been respectful and courteous. Our experience takes a balanced impartial approach without being needlessly combative, ideological, or adversarial. Therefore, Mr. Sutton has the right temperament for the federal bench.

In conclusion, N.C.S.D. highly recommends confirmation of Jeffery Sutton to the Sixth Circuit Court of Appeals. Neither Mr. Sutton nor any one associated with Mr. Sutton suggested N.C.S.D. should write this letter; N.C.S.D. simply believes in his credentials and qualifications. We ask that the Committee make this correspondence a part of the Committee's record of the confirmation process. I and or our in-house attorney, Michael Beattie, are available at your convenience to testify on Mr. Sutton's behalf. In you have any questions, please do not hesitate to contact me.

Sincerely,

Sean Jahanmir, Executive Director
N.C.S.D.

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December 12, 2002

The Honorable Patrick J. Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, District of Columbia 20510

The Honorable Orrin G. Hatch
Ranking Member, Senate Judiciary Committee
United States Senate
104 Hart Office Building
Washington, District of Columbia 20510

Dear Senator Leahy and Senator Hatch,

I write this letter to urge, in the strongest terms possible, the confirmation of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I do so despite the fact that, in recent years, Mr. Sutton has successfully advanced a number of positions in the United States Supreme Court with which I disagree. That fact notwithstanding, I am convinced that Mr. Sutton is a lawyer who possesses great skill and integrity, and that those attributes will make him a strong addition to the federal bench.

As a former law clerk to Justice David Souter of the United States Supreme Court and Judge Betty Fletcher of the United States Court of Appeals for the Ninth Circuit, and as an attorney whose practice now consists almost entirely of federal court litigation, I have a deep and abiding concern with the quality of the judges confirmed to the federal courts. As such, I am firmly convinced that the Administration and the Senate should concern themselves with only two questions in evaluating potential judges: (1) whether an individual will bring to the bench both a top-rate legal mind and a good depth of legal experience; and (2) whether that individual will approach each and every case with a fair and open mind. I have no doubt that Jeff Sutton amply satisfies both criteria.

Literally from the time of my first encounter with Mr. Sutton this past summer, I have been convinced that the portrayal of him in some quarters as wild-eyed States' rights activist is inaccurate. In August, I called Mr. Sutton to see whether he would be interested in writing an amicus brief for the National Congress of American Indians in an Indian law case pending before the Supreme Court. Mr. Sutton took the time to call me back from vacation the very next morning to express a strong interest in working on the case. In our ensuing conversations, it became apparent to me that Mr. Sutton did not

Honorable Patrick J. Leahy
Honorable Orrin G. Hatch
December 12, 2002
Page 2

simply want to work on the matter for the small amount of compensation it would bring his firm (he readily agreed to charge far below his usual rates for the brief), but that he instead had a genuine interest in understanding why Native American tribes have fared as poorly as they have in front of the Supreme Court in recent years, and in trying to help improve that record. I think it is fair to say that most individuals who are committed to furthering the cause of States' rights without regard to any other values or interests in our society do not evidence that type of concern for Tribal interests.

It was a delight to work with Mr. Sutton on the brief. He quickly assembled a highly skilled team to work on the matter, and he and his colleagues developed an impressive mastery of the Indian law principles involved in the case in a short period of time. Mr. Sutton then produced a well-written, incisive draft brief, and in the weeks that followed engaged in numerous discussions with Indian law advocates from around the country about the substance of the brief. During those conversations, Mr. Sutton was a great listener. He readily accepted suggestions that further enhanced the quality of the brief. At the same time, he knew how to delicately steer people away from ideas that would have undercut its force.

The process left me with no doubt as to the extent of Mr. Sutton's legal acumen. He has an extremely sharp intellect, and has a knack of distilling legal principles down to their essence. He also is a very hard worker. I took especial note of the fact that, on the same day that he argued a case in the Supreme Court, Mr. Sutton went back to work on the amicus brief, fine-tuning it even further before it was filed the next day. These are qualities that we should hope for in every judge.

The process also left me with no doubt as to Mr. Sutton's basic decency and open-mindedness. In my experience, the principles that resonate with him most deeply, and that he has a knack of expressing so well, have to do with fairness and equity. He is not willing to abandon legal text in the service of those principles -- and no judge should be. But he understands that those principles in fact animate many of our legal doctrines, and has a keen ability to bring them to the fore. Moreover, I did not detect in Mr. Sutton any bias or prejudice that would preclude him from faithfully discharging his duties as a judge. I am convinced that he will approach the cases in front of him with an open and searching mind. We can ask for no more.

Honorable Patrick J. Leahy
Honorable Orrin G. Hatch
December 12, 2002
Page 3

Please feel free to contact me if you have questions regarding anything I have stated above. I hope that the Senate will confirm Mr. Sutton's nomination to the federal bench.

Sincerely yours,


Riyaz Kanji

RAK:tlw

Cc: Senator Mike DeWine
Senator George V. Voinovich

John D. Kemp, Esq.
Washington, D.C. 20037
John.Kemp@johndkemp.com

February 3, 2003

The Honorable Orrin Hatch
Chairman, Committee on the Judiciary
U. S. Senate
SD-224 Dirksen Senate Office Building
Washington, D.C. 20510-6275

The Honorable Patrick Leahy
Ranking Member, Committee on the Judiciary
U.S. Senate
SD-152 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senators:

I write in support of Jeffrey Sutton's nomination, and urge his confirmation, to serve on the U.S. Court of Appeals for the Sixth Circuit.

As a person with a disability, a proud member of the disability community for my entire life and, hopefully regarded as a leader by fellow community members, I realize that my support runs contrary to the vocal opinions of many disability rights leaders who are in opposition to Jeffrey Sutton's nomination. They are my friends and respected colleagues; nonetheless, I'm proud to state my position for the record that Jeffrey Sutton deserves to be confirmed.

My leadership work in the disability community is or has been as follows: Co-Founder and current Board Chairman of the American Association of People with Disabilities; Incoming President (volunteer) of the U.S. International Council on Disabilities (USICD); past Board Chairman of Access Living of Metropolitan Chicago, a leading independent living center; past Board Chairman of CARF (Commission on Accreditation of Rehabilitation Facilities), and present Board memberships with the National Rehabilitation Hospital and the Rehabilitation Institute of Chicago, two of the prestigious rehabilitation hospitals, HalfthePlanet Foundation, The Abilities Fund for entrepreneurs with disabilities and The Eric Fund for the purchase of assistive technology for people with disabilities in the DC metropolitan area. For our federal government I have served as Sen. Robert Dole's designated appointee to the National Council on Disability and presently serve on NIH's National Center on Medical Rehabilitation and

Letter to Senators Hatch and Leahy
February 3, 2003

Research's National Advisory Committee. My life has purpose, in part, by my community involvement and by my commitment to promoting a better quality of life for people with disabilities. My law practice with the firm of Powers, Pyles, Sutter & Verville, P.C., is focused on assisting clients with their disability-related products, services and advocacy needs.

After visiting privately for an hour or so with Mr. Sutton last month, I am confident he regards people with disabilities as full and equal citizens entitled to every right and protection afforded all citizens of our great nation. Mr. Sutton's father worked as an administrator for a disability service provider where, as a young man, Jeffrey became intimately aware of the challenges and cruelty of societal disability discrimination faced by clients and customers with disabilities and their families. Second, he has willingly and successfully represented people with disabilities in his law practice. Finally, Jeffrey Sutton is being wrongly characterized by the type of clients for whom he has performed legal advocacy services. As he stated in his testimony before the Senate Judiciary Committee on Wednesday morning, January 29, he has represented a wide variety of clients including murderers, and their views should not be ascribed to him personally. As an attorney, I completely empathize with him.

Jeffrey Sutton is worthy of U.S. Senate confirmation to serve as a judge on the U.S. Court of Appeals for the Sixth Circuit.

Sincerely,

John D. Kemp

cc: Full Committee

THE UNIVERSITY OF
ALABAMA
SCHOOL OF LAW

August 1, 2001

Senator Orrin Hatch
104 Hart Senate Office Building
Washington DC 20510

Dear Senator Hatch:

I am writing in support of Jeffrey Sutton's nomination to the Sixth Circuit Court of Appeals.

Let me first identify myself and state my interest in this nomination. I am Professor of Law and Library Director at The University of Alabama School of Law. I am also the Co-Director of the school's Disability Law Institute. My academic interests and scholarship focus on the interaction between disability law and our system of federalism. I attended oral argument last October in the *Garrett* case where I saw Mr. Sutton and two other capable attorneys (Michael Gottisman and Seth Waxman) represent their clients in a complicated case that tested the limits of Congress's power under the Americans with Disabilities Act to regulate state entities through the imposition of damages awards. I also heard Mr. Sutton give a presentation several years ago when I was on the law faculty at Ohio Northern University in Ada, Ohio, and he was the State Solicitor of Ohio. I have spoken with Mr. Sutton on limited occasions, but can't say that I know him personally. For what it's worth, I'm also a Democrat, a member of the ACLU, a member of the Sixth Circuit Bar, and support the policy objectives of federal disability laws such as the ADA. I also want to make clear that I am speaking for myself and not on behalf of my employer, The University of Alabama.

In my opinion, Jeffrey Sutton is well qualified to sit on the Sixth Circuit and should be confirmed. The primary qualification for a court of appeals judge is intellectual capacity, adequate legal experience and the ability to apply the precedents established by the Supreme Court faithfully and intelligently. There is little question that he meets these standards. He graduated first in his law class from Ohio State, then clerked for Judge Meskill on the Second Circuit, then for Justices Powell and Scalia. He has served as Ohio's State Solicitor. He has become a partner in the prestigious Jones Day law firm. He has argued nine cases before the Supreme Court. He teaches a course in Supreme Court Litigation at the College of Law at Ohio State. By any objective measure, Mr. Sutton has demonstrated the depth and quality of experience that are necessary for a Court of Appeals judge. My limited interactions with him also give me the sense that he is a kind and decent man.

There have been several well publicized objections to Mr. Sutton's nomination by disability rights advocacy groups. I'm sure that you are aware of them, so I won't repeat them here in detail. I am frankly concerned by the prospect that nominees for federal judgeships may be penalized for doing what good lawyers are supposed to do: representing their clients zealously. Similarly, I am also alarmed by criticisms that Mr. Sutton's participation in the *Garrett* case has single handedly dismantled federal protections for


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disabled citizens. I consider that assertion to be flawed, most obviously because courts and not lawyers decide cases. The problem with the criticism, however, goes deeper and reflects a misunderstanding of the role of the courts in deciding constitutional issues. The matter of Congressional power to regulate the states, whether under section 5 of the Fourteenth Amendment, the Commerce Clause or the Spending Clause is a constitutional issue of the greatest significance. There is a division of opinion on these important points of law, supported by respectable arguments made in good faith by each side. To treat Jeffrey Sutton's participation, as an attorney, in the resolution of these issues has the unfortunate effect of reducing the process of judicial review to one of issue advocacy stripped of the structural constitutional questions.

I also see no "agenda" on Mr. Sutton's part to target disabled citizens. The objections to his nomination seem to focus on the result in *Garrett*. That decision, however, turned on the issue of the remedy for an alleged violation of the ADA by a state entity, not on the substantive obligation not to discriminate. I read or heard nothing in the briefs or oral arguments to indicate that Mr. Sutton was pursuing an agenda wider than the issues on which the Court had granted certiorari, or doing anything other than representing his client's interests. It's important to keep in mind that as State Solicitor of Ohio in *Ohio Civil Rights Commission v. Case Western Reserve University*, 76 Ohio St. 3d 168 (1996), he represented the Ohio Civil Rights Commission in its attempt to require that Case Western's Medical School admit an academically accomplished blind woman, Cheryl Fischer. Just as I would not infer an anti-disabled agenda from Mr. Sutton's participation in *Garrett*, neither would I assume from his role in the Fischer case that he had the opposite inclination. Rather, he seemed to be a good lawyer acting in his client's interests.

In sum, I encourage you to view Jeffrey Sutton's nomination to the Sixth Circuit favorably and expeditiously. Thank you for your consideration.

Sincerely,


James Leonard
Professor of Law
Co-Director, Disability Law Institute
Director, Bounds Law Library

cc: Senator Leahy
Senator DeWine

Beverly Benson Long

1036 Somerset Drive, N.W.
Atlanta, Georgia 30327

July 6, 2001

Senator Patrick J. Leahy
Senate Judiciary Committee
24 Dirksen Building
Washington, DC 20510

Dear Senator Leahy:

This is to support the nomination of Jeffrey S. Sutton to the Sixth Circuit Court of Appeals.

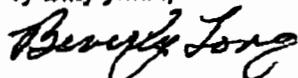
Since 1964, I have been involved in a wide range of associations and federations dedicated to improving the lives of persons with mental illnesses and disabilities. I am the Immediate Past President of the World Federation for Mental Health and have been the president of the the Mental Health Associations of Atlanta, The State of Georgia, and the National Mental Health Association (NMHA). I was a Commissioner on The President's Commission on Mental Health (President Carter), and a member of the Institute of Medicine (IOM) Committee on "Prevention of Mental Disorders" that in 1994 published "Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research". Currently and since 1997, I have been a member of the Board of Neuroscience and Behavioral Health of the Institute of Medicine.

I met Mr. Sutton when he consulted for several months in a case with my daughter who is an attorney. My impression is that Mr. Sutton is a sensitive and caring person who is a knowledgeable, ethical, and competent lawyer. I believe he is the kind of attorney who would be a substantive asset to the federal judiciary.

I have followed news reports of the intense lobbying against Mr. Sutton by various persons who advocate on behalf of the disabled. This effort is unfortunate and, I am convinced, misguided. I have no doubt that Mr Sutton would be an outstanding circuit court judge and would rule fairly in all cases, including those involving persons with disabilities.

Thank you for considering my endorsement of Mr. Sutton for the Sixth Circuit Court of Appeals.

Very truly yours,



Beverly B. Long, M.S., M.P.H.

cc Senator Mike DeWine
cc Senator Orrin Hatch



**Attorney General
Betty D. Montgomery**

January 7, 2003

U.S. Senator Patrick J. Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510
Tel: (202) 224-4242

Dear Chairman Leahy:

Almost two years ago, numerous Democratic and Republican Attorneys General and I wrote a letter in support of Jeffrey Sutton's confirmation to the United States Sixth Circuit Court of Appeals. I continue to believe that Mr. Sutton would make an excellent addition to the Sixth Circuit, and hope that you will speedily confirm his nomination.

One issue that has come up during the consideration of his nomination is his work as an advocate in the area of disability-rights litigation. At the Attorney General for the State of Ohio over the last eight years, I have a first-hand perspective on this issue. When Mr. Sutton was serving as my State Solicitor from 1995 to 1998, a case came through my office involving a blind woman named Cheryl Fischer who had been denied admission to the Case Western University Medical School on account of her disability. As occasionally happens in government litigation, different state agencies took different stands on Ms. Fischer's case when it arrived at the Ohio Supreme Court. On the one hand, the Ohio Civil Rights Commission determined that the admissions decision of Case Western had violated Ms. Fischer's rights under Ohio's civil rights statutes. It therefore was my office's responsibility to defend that decision before our State's highest court. On the other hand, the state universities (and their medical schools) took the position that Case Western had not discriminated against Ms. Fischer on account of her disability. They therefore wanted my office to file a brief on their behalf in the Ohio Supreme Court.

As State Solicitor, Mr. Sutton was responsible for overseeing appellate litigation in my office. When the Fischer case arrived at the Ohio Supreme Court, he explained the views of the different state agencies on the case and the need to assign different lawyers in the office to argue these two very-different positions. He then specifically asked me if he could represent Ms. Fischer's side of the case while another lawyer in

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the office represented the state universities. It was clear that Jeff thought Cheryl Fischer had the better legal argument, that he believed in her position, and that he thought the State Solicitor should advocate that position before the Ohio Supreme Court. After I approved this recommendation, his advocacy in the case left no doubt in my mind to his commitment to her cause and to the findings of the Ohio Civil Rights Commission.

I trust the above information will help put Jeff Sutton's real views in the area of disability-rights litigation in the proper perspective.

As Ohio's Attorney General for the past eight years, I have had many opportunities to hire, evaluate and compare extremely capable attorneys. Jeff Sutton is easily in the top 1% of all such individuals. I strongly support his candidacy for a position on the United States Sixth Circuit Court of Appeals.

Thank you, in advance, for your consideration in this matter.

Sincerely,


Betty D. Montgomery
Attorney General of the State of Ohio

BDM:jmf

cc: The Honorable Senator Mike DeWine
The Honorable Senator George V. Voinovich

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December 11, 2002

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Orrin G. Hatch
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

Re: Jeffrey Sutton

Dear Chairman Leahy and Senator Hatch:

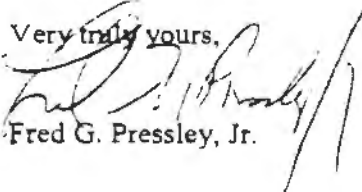
I am writing to you to support Jeffrey Sutton's nomination for the position of United States Circuit Judge for the Sixth Circuit. I have had the distinct pleasure of working with Mr. Sutton when he was the Solicitor General for the State of Ohio. As Solicitor General, Mr. Sutton was a tenacious defender of Ohioans, regardless of their race, gender, disability, or nationality.

Specifically, I worked with Mr. Sutton as Special Counsel to the Ohio Attorney General to defend the constitutionality of Ohio's Minority Set-Aside statute. Despite the constitutional hurdles present in defending such statutes, Mr. Sutton was creative and unwavering in his defense of the statute. At no time did Mr. Sutton deviate from his duties as Solicitor General.

As an African-American and Democrat, I believe that Mr. Sutton is well-qualified to sit on the Sixth Circuit and would be an unbiased jurist. Accordingly, Mr. Sutton should receive your committee's approval.

Thank you for your attention and consideration.

Very truly yours,


Fred G. Pressley, Jr.

cc: Senator DeWine
Senator Voinovich

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007104-003407



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

January 28, 2003

The Honorable Orrin G. Hatch
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C.

Re: Nomination of Jeff Sutton

Dear Senator Hatch:

As a three-term member of the United States Civil Rights Commission and the Commission's first and only representative of disabled Americans, I am writing to express my strong support for the nomination of Jeff Sutton to serve on the United States Court of Appeals for the Sixth Circuit.

I am familiar with Mr. Sutton's accomplishments and many of the landmark cases he has argued in the highest courts. I agree with some outcomes, I disagree with others, but it is clear to me that those of us who are disabled in America, and those of us who seek to protect equal opportunity and equal access for all Americans, will be well served by having in the federal judiciary someone who is so intellectually active on the issues that concern disabled Americans. I am also impressed by Jeff Sutton's personal background, which shows heartfelt sympathy for ordinary people and the disabled in particular.

The interests of the disabled are not easily pursued by partisan tactics and loud noise. The issues are complex. We are not benefited by the mere continuation of past policies or the fighting of old battles. I am well satisfied that Jeff Sutton will make a fine judge, and that he will bring to the job of judge the fine mind he has applied as an advocate, and the compassionate heart that is so evident.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell G. Redenbaugh", written over the word "Sincerely,".

Russell G. Redenbaugh,
Commissioner

NATIONAL ORGANIZATION ON
DISABILITY
www.nod.org

January 17, 2003

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Haskins
California University
James H. Haskins

William P. Haskins, Jr.
Haskins and Haskins
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Lee L. Haskins
President, HCS

William Haskins
Adviser for Accessibility to the Arts
Haskins Institute
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Haskins, L. Haskins, M.D.

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

I write in support of your nomination of Jeffrey S. Sutton to the Sixth Circuit Court of Appeals. After an informative personal interview with Mr. Sutton, and having reviewed extensive materials both in support of and opposing his nomination, I commend you for selecting an impressive member of the legal profession. I believe Mr. Sutton will be an excellent judge who will decide wisely and fairly the cases brought before him, including those involving people with disabilities.

Having joined you on the platform two years ago when you announced the New Freedom Initiative, I know of your strong belief in the Americans with Disabilities Act and your commitment to achieving its goal of full and equal participation of people with disabilities. As I am sure you are well aware, some in the disability community have opposed Mr. Sutton's nomination, and I wanted to personally consider it as I believe you would not have made this nomination if you did not trust him to support our rights.

Many disability advocates were troubled by what they perceived as Mr. Sutton's opposition to the ADA, especially in *Garrett v. The University of Alabama*. I therefore discussed with him at length his views on the ADA and disability rights in general. I am convinced that while we in the disability community have disagreed with his positions in some cases, Mr. Sutton believes in the Americans with Disabilities Act and its goals that we hold so dear. There are many other cases in which he sided fully with our community, including supporting Cheryl Fischer's attempt to attend Case Western Reserve Medical School, and enforcing the responsibility of Ohio state universities to provide voter registration materials to students with disabilities. Mr. Sutton states that he has welcomed the opportunity to take on disability cases and to represent clients with disabilities.

Mr. Sutton told me that he would be pleased if the ADA were strengthened in ways that would remove ambiguities and that would clarify the law as it increasingly becomes part of the civil rights fabric of our nation. He pledged that he would strive to be of service to people with disabilities in his future work as a judge.

I consider Mr. Sutton a fair, honest, and honorable person. He states that he supports disability rights, and I believe him. I expect America and people with disabilities will be well served by Mr. Sutton's appointment as a judge for the Sixth Circuit.

Sincerely yours,



Alan A. Reich
President

It's ability, not disability, that counts.

910 Sixteenth Street, NW • Washington, DC 20006 • 202-293-5960 • Fax: 202-293-7999 • TDD: 202-293-5968



Equal Justice Foundation

Protecting the rights of Ohio's disadvantaged citizens

Kimberly M. Skaggs, Esq.
Executive Director

M. Smith, Esq.
Litigation Counsel

A. Bell, Esq.
Attorney

36 W. Gay St. • Suite 300
Columbus, Ohio 43215
t 614.221.9800
800.898.0545
f 614.221.9810

May 29, 2001

VIA FACSIMILE AND U.S. MAIL

Honorable Mike DeWine
United States Senate
140 Russell Senate Bldg.
Washington, DC 20510

Re: Jeffrey S. Sutton

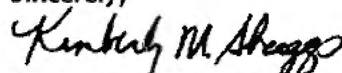
Dear Senator DeWine:

I am writing to express my support of President Bush's nomination of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I have had the pleasure of knowing Mr. Sutton for several years and I, like many others, have the utmost regard for his intellect and talent. What may be somewhat different about my support for Mr. Sutton is the fact that I do not share the "conservative" views for which Mr. Sutton is known. In fact, my views may be the polar opposite.

I serve as Executive Director of the Equal Justice Foundation, a non-profit, legal services provider that specializes in class-action, impact litigation for the benefit of disadvantaged individuals and groups. Prior to this position, I served as law clerk to two federal judges. In those capacities, I became quite familiar with Mr. Sutton's work. I admired Mr. Sutton's abilities so much that, upon joining the Equal Justice Foundation, I actively recruited him to become a member of the Equal Justice Foundation's Board of Trustees. Much to his credit, Mr. Sutton accepted and has been extremely supportive of the Foundation's work.

In sum, I believe that Mr. Sutton possesses all the necessary qualities to be an outstanding federal judge. I have no hesitation whatsoever in supporting his nomination. Please do not hesitate to contact me if I can provide further information.

Sincerely,


Kimberly M. Skaggs

Equal Justice is Here
ejf@equaljusticefoundation.com

007104-003410



Broad Street Presbyterian Church

760 East Broad Street • Columbus, Ohio 43205 • (614) 221-6552 • FAX (614) 221-5722 • www.bspsc.org

August 8, 2002

Pastor
David A. Van Dyke

Associate Pastors
Ann R. Palmerton
Judith M. Hoffhine

Parish Associate
Deborah A. Lewicki

Director of Music
Joel A. Mathias

Organist
James D. Hildrath

Christian Education
Barbara J. Blanke

Youth Ministries
Ladd J. Sonnenberg

Business Administrator
David E. Stamm

Financial Assistant
Aaron M. Laury

Secretary
Michelle A. Daley

Project Coordinator
Sara E. Mosholder

COMPASS Program
Margaret A. Watson

Food Pantry
Elizabeth R. Stevens

Infant & Toddler Center
Valerie L. Lonsinger

Bldg. & Grounds Supervisor
Maxwell Lawson

Senator Patrick Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

I am writing to you about the nomination of Jeffery Sutton to the Sixth Circuit Court of Appeals. I am disappointed that politics is preventing him from receiving a hearing and from the Senate acting on his nomination. But I also write out of my concern over the personal attacks that Mr. Sutton's nomination have brought upon him.

I am currently Jeff's minister and know him very well. He is also my neighbor. The Presbyterian church I pastor, and of which the Suttons are active members, is a large, downtown, socially active congregation, solidly in the liberal wing of the Presbyterian Church (U.S.A.). Mr. Sutton is a member of a church, for example, that advocates for the full inclusion of gay and lesbian Christians into the life of the church. He is a member of a congregation that actively opposes the death penalty and is known in Columbus for its work against injustice. And he is a member of a congregation that reaches out to its inner city neighbors through its food pantry that distributes three tons of food each week; that operates one of only a handful of daycare centers in the city accepting Title XX payments; that employs a full time social worker to assist those coming to the church needing aid; and that tutors and mentors approximately 150 school children throughout the

On a personal note as a pastor, I have become very active in my opposition of the death penalty in Ohio. Through my involvement in one particular case, I learned about the plight of another inmate whose court-appointed attorney had literally slept through his trial. I approached Jeff regarding that case and he eagerly accepted it, making it the second death penalty case in which Jeff is currently involved. As a person of deep faith and strong moral character, Jeff Sutton shares my opposition to the death penalty.

I know you have political reasons for opposing Jeff Sutton's confirmation, but as his pastor and friend, I want you to know, from someone who knows him well, that he is not the evil, heartless, insensitive individual he has been made out to be

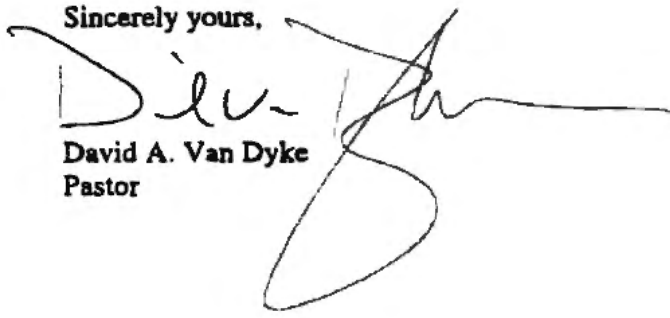
by those who oppose him. Neither is he the ultra-conservative some have characterized him or even as some might assume him to be.

As his pastor, I don't believe I'm breaching confidentiality in sharing a conversation Jeff and I had shortly after his nomination. Jeff told me that he had some major reservations regarding his nomination. He expressed concern over the brutal nomination process. He worried about the substantial pay cut he'd have to take in order to become a judge and about how that would impact his ability to pay for his children's education. But he also spoke about his commitment to the law and to being a good judge as his "calling" in life. He stressed that life was not about making money, but was about doing what one was called to do; making the most of one's unique gifts and abilities. In our conversation he used terms like "duty," "responsibility" and "honor" to describe his decision to accept this nomination. Jeff loves the law and is committed to the high calling of public service. As a pastor, it's wonderful to see conviction, especially when the motives are good and the purpose is admirable.

Jeff Sutton is a very thoughtful and capable attorney and a very bright and gifted legal scholar. He is also a wonderful father and a good husband. He loves his country, his family and his church. Jeff would make an excellent judge, and I write this as an independent who almost always votes for the Democrat on the ticket.

Senator Leahy, thank you for taking the time to read this letter and for all you do for our country. If the Judiciary Committee would grant Jeff Sutton a hearing, you could hear directly from him and not just his detractors. Granting him a hearing would also clear up the cloud of suspicion currently hanging over the judicial process and sending the message to those of us outside the "Beltway" that playing politics and paying back your opponents is more important than getting something accomplished. One other thing for you to consider. If you do grant Jeff Sutton a hearing, you might be pleasantly surprised at the person you meet.

Sincerely yours,


David A. Van Dyke
Pastor

3417 ORDWAY STREET, N.W.
WASHINGTON, D.C. 20016

June 18, 2001

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Orrin G. Hatch
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

re: Jeffrey Sutton

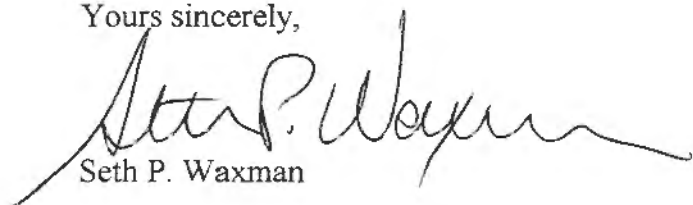
Dear Chairman Leahy and Senator Hatch:

I understand that Jeffrey Sutton is under consideration as a nominee for the position of United States Circuit Judge for the Sixth Circuit. I have known Mr. Sutton professionally for four years and have high regard for him. Both as Solicitor General for the State of Ohio and as a partner at Jones, Day, Mr. Sutton handled important cases in the United States Supreme Court in which I was personally involved. I consider Mr. Sutton both a gifted appellate advocate and a fine human being.

I know that some have questioned whether the position Mr. Sutton advocated last Term in the Garrett case reflected antipathy on his part toward the Americans with Disabilities Act. I argued that case against Mr. Sutton, and I discerned no such personal antipathy. Mr. Sutton vigorously advanced the constitutional position of his client in the case, the State of Alabama; doing so was entirely consistent with the finest traditions of the adversary system.

Thank you for considering these views.

Yours sincerely,



Seth P. Waxman

WOLMAN, GENSHAFT & GELLMAN
ATTORNEYS AND COUNSELORS AT LAW

SUSAN B. GELLMAN
NELSON E. GENSHAFT
SON A. WOLMAN
JAMIN S. GENSHAFT

341 SOUTH THIRD STREET, SUITE 301
COLUMBUS, OHIO 43215-5463
TELEPHONE (614) 280-1000
FACSIMILE (614) 280-9000
E-MAIL wgg@wgglaw.com

January 3, 2003

The Honorable Patrick J. Leahy
Committee on the Judiciary
United States Senate
224 Dirksen Office Building
Washington, D.C. 20510

The Honorable Orrin G. Hatch
Committee on the Judiciary
United States Senate
104 Hart Office Building
Washington, D.C. 20510

Re: Nomination of Jeffrey S. Sutton to the Sixth Circuit

Dear Senators Leahy and Hatch:

I write in support of confirmation of Jeffrey Sutton – perhaps from a different perspective than many of his supporters. My background is that of a liberal Democrat, former Executive Director of the American Civil Liberties Union of Ohio for seventeen years, then a member of the National Board of the ACLU, and currently a member of its National Advisory Council. I also clerked for a federal judge. As a partner in a four-lawyer firm, I engage in constitutional and civil rights litigation and have argued at all levels of the federal courts.

I have known Mr. Sutton for nearly eight years. He and I have litigated opposite each other twice, and we have co-counseled two cases. I am particularly concerned that some of my friends in the disability rights community have sought to brand him as hostile to their plight, for I know his devotion to civil rights and liberties for all people. While I do not regard him as a liberal and expect to take issue with some of his decisions if he is confirmed, I believe him to be a moderate conservative in the style and manner of the late Justice Lewis Powell for whom he clerked

Two cases in which we were on opposing sides arose while he was State Solicitor. The first involved a constitutional challenge to the Ohio drunk driving law (the State prevailed). The second case was a constitutional challenge to a legislative act that attempted to preclude a state-court judge from drawing a pension after he retired and was then re-elected (my client, the judge prevailed). In both cases Jeff's work reflected his brilliance and creativity as a lawyer, and his relationship with opposing counsel was dignified and respectful.

*The Honorable Patrick J. Leahy
The Honorable Orrin G. Hatch
United States Senate
January 3, 2003
Page 2*

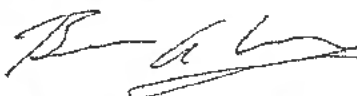
The cases that we have co-counseled were after his service as State Solicitor. In an ACLU case he volunteered as a cooperating attorney in a First Amendment challenge of the conviction of an individual who was jailed for a thought crime (that case is still in progress). In another case, I asked him to assume the role of lead counsel on behalf of the National Coalition of Students with Disabilities (he secured a declaratory judgment and preliminary injunction that required the Ohio Secretary of State to set up voter-registration-and-assistance locations at State colleges and universities as required by federal law).

Jeff's commitment to individual rights is not born of the nomination and confirmation process. Long before he was nominated by President Bush - indeed well before Bush was elected - I prompted him to serve as a fellow member of the Board of the Equal Justice Foundation, an Ohio-based nonprofit organization dedicated to class-action economic and civil rights litigation on behalf of the poor. And, while he was State Solicitor - also well before the election of Bush - he represented a blind woman seeking to gain admission to a medical school.

Jeff is an open-minded person, void of the rigidity that too often characterizes those who call themselves conservative. His commitment to individual rights, his civility as an opposing counsel, his sense of fairness, his devotion to civic responsibilities, and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession.

Without qualification or reservation, I urge his speedy confirmation as a Judge of the United States Court of Appeals for the Sixth Circuit.

Sincerely,



Benson A. Wolman

cc: The Honorable Mike DeWine
The Honorable George Voinovich

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CHAMBERS OF
BOYCE F. MARTIN, JR.
CHIEF CIRCUIT JUDGE

February 4, 2003

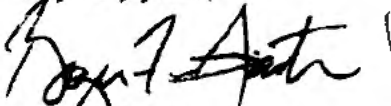
TELEPHONE
(502) 625-3800
FACSIMILE
(502) 625-3829

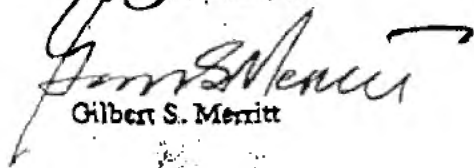
The Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20510

Dear Senator Kennedy:

The undersigned judges — the current Chief Judge and the former Chief Judge of the Sixth Circuit Court of Appeals — would like to express their support for the confirmation of Jeff Sutton as a member of our Court. We were appointed by President Carter, and our judicial philosophies are in the tradition of Justices Brandeis, Brennan, and Stevens. We support Jeff Sutton because he is an independent thinker, a moderate in his social philosophy and an extremely able lawyer, not an ideologue. His clients include death row inmates, Cheryl Fisher, a blind woman who was denied admission to an Ohio medical school, the National Coalition of Students with Disabilities, the NAACP, the Anti-defamation League, the National Congress of American Indians, the Center for the Prevention of Handgun Violence and a number of other clients seeking to uphold civil liberties and civil rights. We believe his views are being mistakenly characterized as right wing because of his successful advocacy in the Supreme Court of a controversial position on state sovereign immunity. We do not believe that a moderate and able lawyer should be denied confirmation because he has taken controversial positions on behalf of a client — in this case the State of Ohio. Jeff Sutton has argued cases on both sides of the philosophical spectrum and would add greatly to the quality and fairness of our Court's decisions, we believe. Five years ago he wrote an article on "Justice Powell's Path Worth Following," expressing his admiration for Justice Powell, for whom he clerked. He praised Powell as a "balanced voice," — "the center of gravity in landmark debates over affirmative action, civil rights, school funding, abortion and federalism."

Very truly yours,


Boyce F. Martin, Jr.


Gilbert S. Merritt

601 WEST BROADWAY, LOUISVILLE, KENTUCKY 40202-2327

007104-003416

Sales, Nathan

From: Sales, Nathan
Sent: Thursday, April 10, 2003 3:07 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam
Subject: RE: Sutton

Sure.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, April 10, 2003 2:48 PM
To: Sales, Nathan
Cc: Charnes, Adam
Subject: RE: Sutton

I mean in one PDF.

(Embedded
image moved "Nathan.Sales@usdoj.gov" <Nathan.Sales
to file: 04/10/2003 02:41:43 PM
pic25047.pcx)

Record Type: Record

To: "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov>, Brett M.
Kavanaugh/WHO/EOP@EOP

cc:

007104-003417

Subject: RE: Sutton

Here are the essential

(b) (5)

As far as letters are concerned, (b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Thursday, April 10, 2003 2:36 PM

To: Charnes, Adam

Cc: Sales, Nathan

Subject: Re: Sutton

Duplicative Records

007104-003418

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, March 25, 2003 12:26 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'David_G._Leitch@oa.eop.gov'; Ballantine, Jocelyn Scheffel
Subject: RE: Judicial Conference/new judgeships

Yes. (b) (5)

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, March 25, 2003 9:32 AM
To: Dinh, Viet
Cc: David_G._Leitch@oa.eop.gov
Subject: Judicial Conference/new judgeships

Viet: As you did last year, can you (b) (5)

(b) (5)? You will note that Judicial Conference asks for 7 new CA9 judgeships and 1 new CA6 judgeship, which is (b) (5)

It may also be worth noting (b) (5)

(b) (5)

Thanks.

Judicial Conference Asks Congress to Create 57 New Judgeships

The Judicial Conference of the U.S. today voted to ask Congress to create 11 new court of appeals judgeships and 46 new district court judgeships.

007104-003419

Dinh, Viet

From: Dinh, Viet
Sent: Friday, March 14, 2003 10:31 AM
To: 'H._Christopher_Bartolomucci@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Remington, Kristi L; Koebele, Steve; Brown, Jamie E (OLA)
Subject: RE: Congressional Hispanic Caucus

I agree. (b) (5)

-----Original Message-----

From: H._Christopher_Bartolomucci@who.eop.gov
[mailto:H._Christopher_Bartolomucci@who.eop.gov]
Sent: Friday, March 14, 2003 9:12 AM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Charnes, Adam; Remington, Kristi L; Koebele, Steve; Dinh, Viet
Subject: RE: Congressional Hispanic Caucus

That's a good plan. (b) (5)

(b) (5)

Any dissent (b) (5) ?

Brett M. Kavanaugh
03/14/2003 09:05:27 AM

Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP cc: "dinh, viet" <viet.dinh@usdoj.gov>, adam.charnes@usdoj.gov, kristi.l.remington@usdoj.gov, steve.koebele@usdoj.gov bcc:
Subject: RE: Congressional Hispanic Caucus (Document link: H. Christopher

007104-003420

Bartolomucci)

(b) (5)

H. Christopher Bartolomucci
03/14/2003 09:04:07 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "dinh, viet" <viet.dinh@usdoj.gov>, adam.charnes@usdoj.gov,
kristi.l.remington@usdoj.gov, steve.koebele@usdoj.gov bcc:
Subject: RE: Congressional Hispanic Caucus (Document link: Brett M. Kavanaugh)

(b) (5)

Brett M. Kavanaugh
03/14/2003 08:59:06 AM

Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP cc: "dinh, viet" <viet.dinh@usdoj.gov>,
adam.charnes@usdoj.gov,
kristi.l.remington@usdoj.gov, steve.koebele@usdoj.gov bcc:
Subject: RE: Congressional Hispanic Caucus (Document link: H. Christopher
Bartolomucci)

I propose that (b) (5)

(b) (5)

H. Christopher Bartolomucci
03/14/2003 08:56:28 AM

Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
cc: adam.charnes@usdoj.gov, kristi.l.remington@usdoj.gov, Brett M.
Kavanaugh/WHO/EOP@EOP, Steve.Koebele@usdoj.gov bcc:
Subject: RE: Congressional Hispanic Caucus (Document link: Brett M. Kavanaugh)

Another nominee, Cecilia Altonaga, has also been contacted by the CHC.

I will (b) (5)

(b) (5)

Any dissent from that plan?

(Embedded
image moved "Dinh, Viet" <Viet.Dinh@usdoj.gov>
to file: 03/14/2003 08:55:47 AM
pic25596.pcx)

Record Type: Record

To: "Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)

cc: "Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), "Remington, Kristi L"
<Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested), Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher

Bartolomucci/WHO/EOP@EOP
Subject: RE: Congressional Hispanic Caucus

(b) (5)

-----Original Message-----

From: Koebele, Steve
Sent: Friday, March 14, 2003 8:38 AM
To: Dinh, Viet
Cc: Charnes, Adam; Remington, Kristi L
Subject: Congressional Hispanic Caucus

Viet -- Fifth Circuit judicial nominee, U.S. District Judge Ed Prado (WD-TX), says that the Congressional Hispanic Caucus has requested a meeting with Judge Prado and that he contact the Caucus' executive director to make arrangements.
Judge Prado is now requesting DOJ input for his response.

The request letter is signed by Congressman Ciro Rodriguez (D-TX) and Congressman Charlie Gonzalez (D-TX). Both members know Judge Prado. In fact, Rep. Gonzalez is a long-time friend since their college days.

Thank you, Steve.

Dinh, Viet

From: Dinh, Viet
Sent: Sunday, March 2, 2003 10:27 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Remington, Kristi L
Subject: Re: Kuhl professor letter

I will take care of it.

— Sent from my BlackBerry.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>
Sent: Sun Mar 02 20:23:12 2003
Subject: Re: Kuhl professor letter

I agree (b) (5) How are the changes being communicated?

(Embedded
image moved "Remington, Kristi L"
to file: <Kristi.L.Remington@usdoj.gov>
pic09207.pcx) 02/28/2003 12:34:16 PM

Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested), Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Kuhl professor letter

Attached are my proposed edits to the letter. (b) (5)
(b) (5) Let me know your thoughts.

Goodling, Monica

From: Goodling, Monica
Sent: Tuesday, February 25, 2003 10:09 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Benczkowski, Brian A
Cc: Martinez, Jorge (OPA); Corallo, Mark; Dinh, Viet
Subject: RE: new Judge Gonzales letter to Sen. Schumer 2/24/03

Great - (b) (5) ?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, February 25, 2003 9:53 AM
To: Benczkowski, Brian A
Cc: Martinez, Jorge (OPA); Corallo, Mark; Goodling, Monica; Dinh, Viet
Subject: new Judge Gonzales letter to Sen. Schumer 2/24/03

(See attached file: Letter to Sen Schumer 2 24 03.pdf)

007104-003425

February 24, 2003

Dear Senator Schumer:

Based on your public comments yesterday, I am concerned that you may have inaccurate and incomplete information about Miguel Estrada's qualifications and about the historical practice with respect to judicial confirmations. Therefore, I write to respectfully reiterate and explain our conclusion that you and certain other Senators are applying an unfair double standard -- indeed, a series of unfair double standards -- to Miguel Estrada.

First, your request for confidential attorney-client memoranda Mr. Estrada wrote in the Office of Solicitor General seeks information that, based on our review, has not been demanded from past nominees to the federal courts of appeals. We are informed that the Senate has not requested memoranda such as these for *any* of the 67 appeals court nominees since 1977 who had previously worked in the Justice Department -- including the seven nominees who had previously worked in the Solicitor General's office. Nor have such memoranda been demanded from nominees in similar attorney-client situations: The Senate has not demanded confidential memoranda written by judicial nominees who had served as Senate lawyers, such as memoranda written by Stephen Breyer as a Senate counsel before Justice Breyer was confirmed to the First Circuit in 1980. Nor has the Senate demanded confidential memoranda written by judicial nominees who had served as law clerks to Supreme Court Justices or other federal or state judges. Nor has the Senate demanded confidential memoranda written by judicial nominees who had worked for private clients.

The very few isolated examples you have cited were not nominees for federal appeals courts. Moreover, those situations involved Executive Branch accommodations of targeted requests for particular documents about specific issues that were primarily related to allegations of malfeasance or misconduct in a federal office. We respectfully do not believe these examples support your request. Our conclusion about the general lack of support and precedent for your position is buttressed by the fact that every living former Solicitor General (four Democrats and three Republicans) has strongly opposed your request and stated that it would sacrifice and compromise the ability of the Justice Department to effectively represent the United States in court. In short, the traditional practice of the Senate and the Executive Branch with respect to federal appeals court nominations stands in contrast to your request here and supports our conclusion that an unfair double standard is being applied to Miguel Estrada. (Also, contrary to your suggestion yesterday, please note that no one in the Executive Branch has reviewed these memoranda since President Bush took office in January 2001.)

Second, you suggested that "no judicial nominee that I'm aware of, for such a high court, has ever had so little of a record." I respectfully disagree. Miguel Estrada has been a very accomplished lawyer, trying cases before federal juries, briefing and arguing numerous appeals before federal and state appeals courts, and arguing 15 cases before the Supreme Court, among his other significant work. His record and breadth of experience exceeds that of many judicial nominees, which is no doubt why the American Bar Association -- which you have labeled the

“gold standard” -- *unanimously* rated him “well-qualified.” In noting yesterday that Mr. Estrada’s career had been devoted to “arguing for a client,” you appeared to imply that only those with prior judicial service (or perhaps “a lot of [law review] articles”) may serve on the federal appeals courts. But five of the eight judges currently serving on the D.C. Circuit had no prior judicial service at the time of their appointments. Indeed, Supreme Court Justices Rehnquist, White, and Powell -- to name three of the most recent -- had not served as judges before being confirmed to the Supreme Court. And like Mr. Estrada, two appointees of President Clinton to the D.C. Circuit (Judge David Tatel and Judge Merrick Garland) had similarly spent their careers “arguing for a client,” but were nonetheless confirmed.

As the Chief Justice noted in his 2001 Year-End Report, moreover, “[t]he federal Judiciary has traditionally drawn from a wide diversity of professional backgrounds.” The Chief Justice cited Justice Louis Brandeis, Justice John Harlan, Justice Byron White, Judge Thurgood Marshall (as nominee to the Second Circuit), Judge Learned Hand, and Judge John Minor Wisdom as just a few examples of great judges who had spent virtually their entire careers “arguing for a client” before becoming Supreme Court Justices or federal appeals court judges. As these examples show, had the “arguing for a client” standard been applied in the past, it would have deprived the American people of many of our most notable appellate judges. Based on our understanding, this standard has *not* been applied in the past. This further explains why we have concluded that an unfair double standard is being applied to Miguel Estrada.

Third, you stated that “when you went to those hearings, Mr. Estrada answered no questions.” The record demonstrates otherwise. Mr. Estrada answered more than 100 questions at his hearing (and another 25 in follow-up written answers). He explained in some detail his approach to judging on many issues, and did so appropriately without providing his personal views on specific legal or policy questions that could come before him -- which is how previous judicial nominees of Presidents of both parties have appropriately answered questions. Indeed, at his hearing, Mr. Estrada was asked and answered more questions, and did so more fully, than did President Clinton’s appointees to this same court. Judge David Tatel was asked a total of three questions at his hearing. Judges Judith Rogers and Merrick Garland were each asked fewer than 20 questions. The three appointees of President Clinton combined thus answered fewer than half the number of questions at their hearings that Mr. Estrada answered at his hearing. What is more, like Mr. Estrada, both Judge Rogers and Judge Garland declined to give their personal views on disputed legal and policy questions at the hearing. Judge Rogers refused to give her views when asked about the notion of an evolving Constitution. And Mr. Garland did not answer questions about his personal views on the death penalty, stating that he would follow precedent. In short, we believe that your criticism of Mr. Estrada’s answers at his hearing reveals that another unfair double standard is being applied to Mr. Estrada.

Fourth, you stated that the Founding Fathers “came to the conclusion that the Senate ought to ask a whole lot of questions” of judicial nominees. We respect the Senate’s constitutional role in the confirmation process, and we agree that the Senate should make an informed judgment consistent with its traditional role and practices. But your characterization of the Senate’s role with respect to judicial nominations is not consistent with our reading of historical or traditional practice. Alexander Hamilton explained that the purpose of Senate confirmation is to prevent appointment of “unfit characters from State prejudice, from family

connection, from personal attachment, or from a view to popularity.” *The Federalist* 76. The Framers anticipated that the Senate’s approval would not often be refused unless there were “special and strong reasons for the refusal.” *Id.* Moreover, the Senate did not hold hearings on judicial nominees for much of American history, and the hearings for lower-court nominees in modern times traditionally have not included the examination of personal views that you have advocated. (My letter of February 12, 2003, to Senators Daschle and Leahy contains more detail on this point.) Indeed, just a few years ago, Senator Biden made clear, consistent with the traditional practice, that he would vote to confirm an appeals court judge if he were convinced that the nominee would follow precedent and otherwise was of high ability and integrity.

In short, it appears that you are seeking to change the Senate’s traditional standard for assessing judicial nominees. We respect your right to advocate a change, but we do not believe that the standard you seek to apply is consistent with the Framers’ vision, the traditional Senate practice, or the Senate’s treatment of President Clinton’s nominees. Rather, we believe a new standard is being devised and applied to Miguel Estrada.

Fifth, you stated yesterday that a “filibuster” is not an appropriate term to describe what has been occurring in the Senate. We respectfully disagree. Democrat Senators have objected to unanimous consent motions to schedule a vote, and they have indicated that they will continue to do so. That tactic is historically and commonly known as a filibuster, and is a dramatic escalation of the tactics used to oppose judicial nominees. Indeed, in 1998, Senator Leahy stated: “I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that *I would object and fight against any filibuster on a judge*, whether it is somebody I opposed or supported; that I felt the Senate should do its duty. If we don’t like somebody the President nominates, vote him or her down. But don’t hold them in this anonymous unconscionable limbo, because in doing that, the minority of Senators really shame all Senators.” 144 Cong. Rec. S6522 (June 18, 1998). In our judgment, the tactics now being employed again show that Miguel Estrada is receiving differential treatment.

* * *

As I have said before, I appreciate and respect the Senate’s constitutional role in the confirmation process. You have expressed concern that you do not know enough about Mr. Estrada’s views, but you have not submitted any follow-up questions to him. We respectfully submit that the Senate has ample information and has had more than enough time to consider questions about the qualifications and suitability of a nominee submitted more than 21 months ago. Most important, we believe that a majority of Senators have now concluded that they possess sufficient information on Mr. Estrada and would vote to confirm him. We believe it is past time for the Senate to vote on this nominee, and we urge your support.

Sincerely,

/s/

Alberto R. Gonzales
Counsel to the President

Copy: The Honorable Bill Frist
 The Honorable Thomas A. Daschle
 The Honorable Orrin Hatch
 The Honorable Patrick Leahy

Sales, Nathan

From: Sales, Nathan
Sent: Wednesday, February 12, 2003 11:45 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Benczkowski, Brian A
Subject: RE: draft

More (b) (5)

(b) (5)

-----Original Message-----

From: Sales, Nathan
Sent: Wednesday, February 12, 2003 11:08 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Benczkowski, Brian A
Subject: RE: draft

More (b) (5)

007104-003430

(b) (5)

-----Original Message-----

From: Sales, Nathan

Sent: Wednesday, February 12, 2003 10:53 AM

To: Sales, Nathan; 'Brett_M._Kavanaugh@who.eop.gov'

Cc: Charnes, Adam; Benczkowski, Brian A

Subject: RE: draft

Here's some stuff from (b) (5)

(b) (5)

-----Original Message-----

From: Sales, Nathan

Sent: Wednesday, February 12, 2003 10:37 AM

To: 'Brett_M._Kavanaugh@who.eop.gov'

Cc: Charnes, Adam; Benczkowski, Brian A

Subject: RE: draft

Here's some stuff from (b) (5)

(b) (5)

(b) (5)

Here's some stuff from (b) (5)

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 12, 2003 10:11 AM
To: Sales, Nathan
Cc: Charnes, Adam; Benczkowski, Brian A
Subject: RE: draft

great, we could (b) (5)

(Embedded
image moved "Sales, Nathan" <Nathan.Sales@usdoj.gov>
to file: 02/12/2003 09:53:44 AM

pic08528.pcx)

Record Type: Record

To: "Charnes, Adam" <Adam.Charnes@usdoj.gov>, "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: draft

Brett, I understand you're looking for (b) (5)

(b) (5)

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Wednesday, February 12, 2003 1:53 AM

To: Charnes, Adam; Benczkowski, Brian A; Sales, Nathan

Subject: draft

Please keep confidential and give me comments by 10:00 a.m. (b) (5) Thx.

(See attached file: (b) (5) 2 11 03.doc)

007104-003433

Benczkowski, Brian A

From: Benczkowski, Brian A
Sent: Tuesday, February 11, 2003 4:32 PM
To: Dinh, Viet; 'Kavanaugh, Brett'; 'David_G._Leitch@who.eop.gov'
Cc: Charnes, Adam
Subject: RE: Daschle to POTUS

And here i (b) (5) :

(b) (5)

-----Original Message-----

From: Dinh, Viet
Sent: Tuesday, February 11, 2003 4:22 PM
To: 'Kavanaugh, Brett'; 'David G. Leitch@who.eop.gov'
Cc: Charnes, Adam; Benczkowski, Brian A
Subject: Daschle to POTUS

If you guys ar (b) (5)

s. let me know if we can help further.

(b) (5)

(b) (5)

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Monday, February 10, 2003 9:50 PM
To: Charnes, Adam; Benczkowski, Brian A; Dinh, Viet

I think we need a (b) (5)

(b) (5)

(b) (5) Any suggestions?

Sales, Nathan

From: Sales, Nathan
Sent: Monday, February 3, 2003 2:56 PM
To: Dinh, Viet; Charnes, Adam; Benczkowski, Brian A; Brett Kavanaugh (E-mail); Kyle Sampson (E-mail); Heather Wingate (E-mail); Brown, Jamie E (OLA); Goodling, Monica; Corallo, Mark; Cutchens, Heather
Subject: Sutton hearing follow-up

I just spoke with John Edgell, Jeff's childhood friend and current Democratic lobbyist. Edgell attended the anti-Sutton event staged last Thursday by the usual batch of lefty interest groups. He reports that the speakers exhorted the audience to put pressure on the following three Democrat senators: Feinstein, Kohl, and Biden.

(b) (5)

Best,
Nathan

007104-003438

Dinh, Viet

From: Dinh, Viet
Sent: Thursday, January 30, 2003 9:44 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Bencz

tghx

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, January 29, 2003 11:21 PM
To: Dinh, Viet
Subject: Re: Bencz

yes

(Embedded
image moved "Dinh, Viet" <Viet.Dinh@usdoj.gov>
to file: 01/29/2003 08:33:11 PM
pic04776.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Bencz

(b) (5)

TL..

(b) (5)

10X.

-- Sent from my BlackBerry.

Sales, Nathan

From: Sales, Nathan
Sent: Monday, December 16, 2002 1:11 PM
To: 'Bradford_A._Berenson@who.eop.gov'
Cc: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Sutton hearing

(b) (5)

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Monday, December 16, 2002 1:09 PM
To: Sales, Nathan
Cc: Brett_M._Kavanaugh@who.eop.gov
Subject: RE: Sutton hearing

Maybe I'll try (b) (5)

(Embedded
image moved "Sales, Nathan" <Nathan.Sales@usdoj.gov>
to file: 12/16/2002 01:04:27 PM
pic28990.pcx)

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: Sutton hearing

(b) (5) can't get anything other than "Sutton will be one of the first
nominees to have a hearing."

-----Original Message-----

007104-003441

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Monday, December 16, 2002 1:02 PM
To: Sales, Nathan; Brett_M._Kavanaugh@who.eop.gov
Subject: Sutton hearing

Any firm decision yet on the date for this? (b) (5)

(b) (5)

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, November 26, 2002 2:00 PM
To: Charnes, Adam; Dinh, Viet

Know this is on the radar, but I tend to think we will need (b) (5)

(b) (5)

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, November 12, 2002 12:01 PM
To: Charnes, Adam; 'Kavanaugh, Brett'
Subject: RE:

What (b) (5) (b) (5)

-----Original Message-----

From: Charnes, Adam
Sent: Tuesday, November 12, 2002 11:47 AM
To: Dinh, Viet
Subject: FW:

fyi

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, November 12, 2002 11:41 AM
To: Charnes, Adam
Subject:

(b) (5)
(b) (5) Thanks.

007104-003444

Dinh, Viet

From: Dinh, Viet
Sent: Friday, September 27, 2002 10:58 AM
To: Dinh, Viet; 'Anne_Womack@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'; Charnes, Adam; Keefer, Wendy J
Subject: RE: IMPORTANT: 2 things

Following up, here is the latest on the Easterbrook file search:

From: Rybicki, James E
Sent: Friday, September 27, 2002 10:53 AM
To: Bryant, Dan; Dinh, Viet; Charnes, Adam
Subject: RE: Easterbrook

Per Dan's request, (b) (5)

(b) (5)

(b) (5)

will keep you updated. Thanks.

-----Original Message-----

From: Dinh, Viet
Sent: Friday, September 27, 2002 10:55 AM
To: 'Anne_Womack@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'; Charnes, Adam; Keefer, Wendy J
Subject: RE: IMPORTANT: 2 things

Ann, (b) (5)

(b) (5)

(b) (5)

007104-003445

(b) (5)

-----Original Message-----

From: Anne_Womack@who.eop.gov [mailto:Anne_Womack@who.eop.gov]

Sent: Friday, September 27, 2002 10:07 AM

To: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov

Subject: Re: IMPORTANT: 2 things

(b) (5)

Brett M. Kavanaugh

09/27/2002 09:47:57 AM

Record Type: Record

007104-003446

To: Anne Womack/WHO/EOP@EOP

cc:

Subject: IMPORTANT: 2 things

fyi

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 09/27/2002 09:52 AM -----

Brett M. Kavanaugh
09/27/2002 09:41:38 AM

Record Type: Record

To: viet.dinh@usdoj.gov @ inet, adam.charnes@usdoj.gov @ inet

cc:

Subject: IMPORTANT: 2 things

1. I think we need (b) (5)

(b) (5)

2. I think we also need (b) (5)

(b) (5)

Dinh, Viet

From: Dinh, Viet
Sent: Friday, September 27, 2002 9:47 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Charnes, Adam
Subject: RE: IMPORTANT: 2 things

I agree. We have preliminary work on both fronts and will try to finalize today.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, September 27, 2002 9:44 AM
To: Charnes, Adam; Dinh, Viet
Subject: IMPORTANT: 2 things

Duplicative records

007104-003448

Charnes, Adam

From: Charnes, Adam
Sent: Thursday, September 26, 2002 4:43 PM
To: Dinh, Viet; Remington, Kristi L; Keefer, Wendy J; 'brett_m._kavanaugh@who.eop.gov'
Subject: Re: Easterbrook

We are looking now at (b) (5)

(b) (5)

-----Original Message-----

From: Dinh, Viet <Viet.Dinh@USDOJ.gov>
To: Charnes, Adam <Adam.Charnes@USDOJ.gov>; Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>; 'brett_m._kavanaugh@who.eop.gov' <brett_m._kavanaugh@who.eop.gov>
Sent: Thu Sep 26 16:38:27 2002
Subject: Re: Easterbrook

(b) (5)

(b) (5)

Thx much.

-----Original Message-----

From: Charnes, Adam <Adam.Charnes@USDOJ.gov>
To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>; 'brett_m._kavanaugh@who.eop.gov' <brett_m._kavanaugh@who.eop.gov>
Sent: Thu Sep 26 16:33:28 2002
Subject: Re: Easterbrook

(b) (5)

I have asked Dan Bryant to see what he can find.

-----Original Message-----

From: Dinh, Viet <Viet.Dinh@USDOJ.gov>
To: Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>; 'brett_m._kavanaugh@who.eop.gov' <brett_m._kavanaugh@who.eop.gov>
CC: Charnes, Adam <Adam.Charnes@USDOJ.gov>
Sent: Thu Sep 26 16:23:29 2002
Subject: Re: Easterbrook

I need (b) (5)

(b) (5)

Thx

-----Original Message-----

From: Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>

007104-003449

From: Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>; Brett Kavanaugh (E-mail) <brett_m._kavanaugh@who.eop.gov>

CC: Charnes, Adam <Adam.Charnes@USDOJ.gov>

Sent: Thu Sep 26 16:10:34 2002

Subject: RE: Easterbrook

(b) (5)

-----Original Message-----

From: Dinh, Viet

Sent: Thursday, September 26, 2002 3:59 PM

To: Keefer, Wendy J; Remington, Kristi L

Cc: Charnes, Adam

Subject: Re: Easterbrook

(b) (5)

thx

-----Original Message-----

From: Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>

To: Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>

CC: Dinh, Viet <Viet.Dinh@USDOJ.gov>; Charnes, Adam <Adam.Charnes@USDOJ.gov>

Sent: Thu Sep 26 15:56:39 2002

Subject: FW: Easterbrook

(b) (5)

-----Original Message-----

From: Dinh, Viet

Sent: Thursday, September 26, 2002 3:56 PM

To: Charnes, Adam; Keefer, Wendy J; 'brett_m._kavanaugh@who.eop.gov'

Subject: Re: Easterbrook

Please

(b) (5)

via blackberry thx

-----Original Message-----

From: Charnes, Adam <Adam.Charnes@USDOJ.gov>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>

Sent: Thu Sep 26 15:34:48 2002

Subject: RE: Easterbrook

Jay is out of town. I just spoke to Ed Whalen, (b) (5)

(b) (5)

-----Original Message-----

From: Dinh, Viet
Sent: Thursday, September 26, 2002 3:24 PM
To: Charnes, Adam; Keefer, Wendy J
Subject: Re: Easterbrook

Pls ask (b) (5)

(b) (5)

(b) (5)

Thanks.

-----Original Message-----

From: Dinh, Viet <Viet.Dinh@USDOJ.gov>
To: Charnes, Adam <Adam.Charnes@USDOJ.gov>; Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>
Sent: Thu Sep 26 14:36:38 2002
Subject: Re: Easterbrook

I know what they are we have them. I want to know (b) (5)

(b) (5)

-----Original Message-----

From: Charnes, Adam <Adam.Charnes@USDOJ.gov>
To: Dinh, Viet <Viet.Dinh@USDOJ.gov>
Sent: Thu Sep 26 14:33:04 2002
Subject: Fw: Easterbrook

Here is Easterbrook.

-----Original Message-----

From: Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>
To: Charnes, Adam <Adam.Charnes@USDOJ.gov>
Sent: Thu Sep 26 14:32:02 2002
Subject: Re: Easterbrook

Got it - (b) (5)

(b) (5)

-----Original Message-----

From: Charnes, Adam <Adam.Charnes@USDOJ.gov>
To: Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>
Sent: Thu Sep 26 13:59:55 2002
Subject: Easterbrook

Rena has the stuff, is faxing to wendy at viet's fax no.

Dinh, Viet

From: Dinh, Viet
Sent: Thursday, September 5, 2002 11:43 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Willett, Don; Goodling, Monica; 'Anne_Womack@who.eop.gov'; 'Flanigan, Timothy'
Subject: RE: Owen (b) (5)

We have criss-crossing emails now. (b) (5)
(b) (5) I think it's a good idea.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, September 05, 2002 11:21 AM
To: Willett, Don; Goodling, Monica; Dinh, Viet;
Brett_M._Kavanaugh@who.eop.gov; Anne_Womack@who.eop.gov
Subject: Re: Owen (b) (5)

Judge Gonzales said (b) (5)
(b) (5)

----- Original Message -----

From: <Monica.Goodling@usdoj.gov>
To: <Don.Willett@usdoj.gov> (Receipt Notification Requested),
<Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested),
Brett M. Kavanaugh/WHO/EOP@EOP,
Anne Womack/WHO/EOP@EOP
Cc:
Date: 09/05/2002 10:49:59 AM
Subject: RE: Owen (b) (5)

I agree with Anne that Owen (b) (5)

(b) (5)

(b) (5)

(b) (5)

Whatever you guys think best...

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Thursday, September 05, 2002 10:05 AM

To: Willett, Don; Anne_Womack@who.eop.gov

Cc: Goodling, Monica; Brett_M._Kavanaugh@who.eop.gov

Subject: Re: Owen (b) (5)

I am somewhat (b) (5)

..

Willett, Don

From: Willett, Don
Sent: Wednesday, July 17, 2002 9:41 AM
To: Dinh,
Viet; 'Heather_Wingate@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Remington, Kristi L; Sales, Nathan; Koebele, Steve
Subject: Re: Owen's opening statement

(b) (5)

BTW, I'm in the midst (b) (6)

(b) (6)

I'll get in absolutely asap.

--- Sent from my BlackBerry.

-----Original Message-----

From: Dinh, Viet <Viet.Dinh@USDOJ.gov>
To: 'Heather_Wingate@who.eop.gov' <Heather_Wingate@who.eop.gov>; Willett, Don
<Don.Willett@USDOJ.gov>; 'Brett_M._Kavanaugh@who.eop.gov' <Brett_M._Kavanaugh@who.eop.gov>
CC: Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>
Sent: Wed Jul 17 09:36:49 2002
Subject: RE: Owen's opening statement

I agree with Heather--i (b) (5)

(b) (5)

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Tuesday, July 16, 2002 9:58 PM
To: Willett, Don; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Cc: Remington, Kristi L
Subject: Re: Owen's opening statement

Why (b) (5)

(b) (5)

----- Original Message -----

From:<Don.Willett@usdoj.gov>
To:<Viet.Dinh@usdoj.gov> (Receipt Notification Requested),
Heather Wingate/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:<Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return
- ..

007104-003454

Requested)

Date: 07/16/2002 08:27:02 PM

Subject: RE: Owen's opening statement

Kristi is (b) (5)

(b) (5)

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]

Sent: Tuesday, July 16, 2002 9:28 AM

To: Willett, Don; Dinh, Viet

Cc: Brett_M._Kavanaugh@who.eop.gov

Subject: Owen's opening statement

We need to make sure that v (b) (5)

(b) (5)

thanks, HW

Dinh, Viet

From: Dinh, Viet
Sent: Wednesday, July 17, 2002 9:35 AM
To: Sales, Nathan; 'Heather_Wingate@who.eop.gov'; Willett, Don; Koebele, Steve; 'Brett_M._Kavanaugh@who.eop.gov'; 'Anne_Womack@who.eop.gov'
Subject: RE: Administration Document on Owen to give to Repubs and Dems

I think Monday is a realistic deadline. This would be in lieu of (b) (5)

(b) (5)

-----Original Message-----

From: Sales, Nathan
Sent: Tuesday, July 16, 2002 10:26 PM
To: 'Heather_Wingate@who.eop.gov'; Willett, Don; Koebele, Steve; Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'; 'Anne_Womack@who.eop.gov'
Subject: Re: Administration Document on Owen to give to Repubs and Dems

Duplicative Records

007104-003456

Sales, Nathan

From: Sales, Nathan
Sent: Friday, July 12, 2002 9:21 AM
To: Willett, Don; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Remington, Kristi L; Koebele, Steve
Subject: Re: Owen report

Can do. For the record, I only use creatin.

-----Original Message-----

From: Willett, Don <Don.Willett@USDOJ.gov>
To: 'Brett_M._Kavanaugh@who.eop.gov' <Brett_M._Kavanaugh@who.eop.gov>
CC: Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Sales, Nathan
<Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>
Sent: Fri Jul 12 09:08:26 2002
Subject: RE: Owen report

Agreed - definitely.

(b) (5)

NATHAN: Could you pls. (b) (5) draft up your steroidal Nathan-ized
TPs, (b) (5)
(b) (5)

Kristi and Steve: I'm not sure (b) (5)

(b) (5)

DRW

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, July 11, 2002 8:24 PM
To: Willett, Don

007104-003457

Cc: Remington, Kristi L; Sales, Nathan; Koebele, Steve
Subject: RE: Owen report

I might put special emphasis

(b) (5)

(b) (5)

(Embedded
image moved "Willett, Don" <Don.Willett@usdoj.gov>
to file: 07/11/2002 08:03:01 PM
pic24770.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) Subject: RE: Owen report

We're on it, and enlisting some other OLP-ers to assist. Kristi,

(b) (5)

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, July 11, 2002 7:55 PM
To: Willett, Don
Cc: Remington, Kristi L; Sales, Nathan; Koebele, Steve
Subject: RE: Owen report

I agree with that approach. You guys deserve an award. Thx.

(Embedded
image moved "Willett, Don" <Don.Willett@usdoj.gov> to file: 07/11/2002 07:09:24
PM pic16870.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), "Koebele, Steve" <Steve.Koebele@usdoj.gov>
(Receipt Notification Requested) (IPM Return Requested), "Remington,
Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)

Subject: RE: Owen report

We four met about this earlier this afternoon, and were each going to read (b) (5)

(b) (5)

Brett, is your suggestion a (b) (5)

(b) (5)

(b) (5)?

That sounds like a solid approach.

I nominate the talented Mr. Sales, with (b) (5) assistance from Mr.
Koebele. Kristi, can you pls. assist on some of them? (b) (5) even Nathan to handle alone
(though, Nathan, now that (b) (5)

DRW

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Thursday, July 11, 2002 6:54 PM

To: Willett, Don

Subject: RE: Owen report

I think we may need a (b) (5) ?

Sales, Nathan

From: Sales, Nathan
Sent: Thursday, July 11, 2002 7:21 PM
To: Willett, Don; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Koebele, Steve; Remington, Kristi L
Subject: Re: Owen report

I can do it, but please understand that (b) (5)

(b) (5)

-----Original Message-----

From: Willett, Don <Don.Willett@USDOJ.gov>
To: 'Brett_M._Kavanaugh@who.eop.gov' <Brett_M._Kavanaugh@who.eop.gov>
CC: Sales, Nathan <Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>;
Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>
Sent: Thu Jul 11 19:09:23 2002
Subject: RE: Owen report

Duplicative records

007104-003461

Dinh, Viet

From: Dinh, Viet
Sent: Wednesday, June 05, 2002 7:26 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Willett, Don
Cc: Scheffel, Jocelyn; Bryant, Dan; Keefer, Wendy J
Subject: RE:

We have started on a (b) (5)

(b) (5)

(b) (5) Don will provide materials and guidance as needed.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 04, 2002 9:49 PM
To: Willett, Don; Dinh, Viet
Subject:

Judge and we think the Administration (DOJ) should (b) (5)

(b) (5)

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Monday, June 03, 2002 3:18 PM
To: Dinh, Viet
Cc: Bryant, Dan; Whelan, M Edward III; Goodling, Monica; Clement, Paul D; Colborn, Paul P; Willett, Don
Subject: RE: Estrada letter.
Attachments: pic28979.pcx

ok here.

(Embedded
image moved "Dinh, Viet" <Viet.Dinh@usdoj.gov>
to file: 06/03/2002 03:03:34 PM
pic28979.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: RE: Estrada letter.

Dan, you have the pen (b) (5)
(b) (5) thanks.

-----Original Message-----

From: Whelan, M Edward III
Sent: Monday, June 03, 2002 2:52 PM
To: Dinh, Viet; Bryant, Dan; Clement, Paul D; Willett, Don; Colborn, Paul P;
'Brett_M._Kavanaugh@who.eop.gov'; Goodling, Monica
Subject: RE: Estrada letter.

Looks fine to me. (b) (5)
(b) (5)

007104-003463

Also, although my own view is (b) (5)

(b) (5)

-----Original Message-----

From: Dinh, Viet

Sent: Monday, June 03, 2002 2:07 PM

To: Bryant, Dan; Clement, Paul D; Willett, Don; Whelan, M Edward III; Colborn, Paul P; 'Brett_M._Kavanaugh@who.eop.gov'; Goodling, Monica

Subject: Estrada letter.

As we discussed last Friday, (b) (5)

(b) (5)

<< File: Estrada response letter.wpd >>

Message Sent To: _____

"Whelan, M Edward III" <M.Edward.Whehan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Brett M. Kavanaugh/WHO/EOP@EOP

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, May 21, 2002 9:15 AM
To: Dinh, Viet
Subject: Miguel

We need to (b) (5)

(b) (5)

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, May 07, 2002 9:42 AM
To: 'Bradford_A._Berenson@who.eop.gov'
Cc: Benczkowski, Brian A; Bryant, Dan; Benedi, Lizette D; O'Brien, Pat; Keefer, Wendy J; Willett, Don; 'Brett_M._Kavanaugh@who.eop.gov'; 'Heather_Wingate@who.eop.gov'
Subject: RE: Schumer Hearing

Yep. It is now (b) (5)

(b) (5)

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Tuesday, May 07, 2002 9:34 AM
To: Dinh, Viet
Cc: Benczkowski, Brian A; Bryant, Dan; Benedi, Lizette D; O'Brien, Pat; Keefer, Wendy J; Willett, Don; Brett_M._Kavanaugh@who.eop.gov; Heather_Wingate@who.eop.gov
Subject: RE: Schumer Hearing

What is the (b) (5)

(b) (5)

(Embedded
image moved "Dinh, Viet" <Viet.Dinh@usdoj.gov>
to file: 05/07/2002 09:22:41 AM
pic00374.pcx)

Record Type: Record

007104-003466

To: "Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested), Brett M.
Kavanaugh/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message Subject: RE: Schumer Hearing

(b) (5)

-----Original Message-----

From: Willett, Don

Sent: Monday, May 06, 2002 9:30 PM

To: 'Brett_M._Kavanaugh@who.eop.gov'; O'Brien, Pat

Cc: Benczkowski, Brian A; Bryant, Dan; Benedi, Lizette D; Dinh, Viet;

Keefer, Wendy J; 'Bradford_A._Berenson@who.eop.gov';

'Heather_Wingate@who.eop.gov'

Subject: Re: Schumer Hearing

(b) (5)

Kavanaugh.

My 2 cents: (b) (5)

DRW

--- Sent from my BlackBerry.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>

To: O'Brien, Pat <Pat.O'Brien@USDOJ.gov>

CC: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>; Bryant, Dan

<Dan.Bryant@USDOJ.gov>; Willett, Don <Don.Willett@USDOJ.gov>; Benedi, Lizette D

<Lizette.D.Benedi@USDOJ.gov>; Dinh, Viet <Viet.Dinh@USDOJ.gov>; Keefer, Wendy J

<Wendy.J.Keefer@USDOJ.gov>; Bradford_A._Berenson@who.eop.gov

<Bradford_A._Berenson@who.eop.gov>; Heather_Wingate@who.eop.gov

<Heather_Wingate@who.eop.gov>

Sent: Mon May 06 20:42:08 2002

Subject: RE: Schumer Hearing

I am (b) (5)

(b) (5)

(Embedded

image moved "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> to file: 05/06/2002 08:32:01 PM pic22539.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested), "Benedi, Lizette D"
<Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested)

Subject: RE: Schumer Hearing

Ed Haden and Alex Dahl called me tonight about the Schumer hearing. They are considering requesting the administration for a witness (possibly DAG Thompson or AAG Dinh). They have not made up their mind and are just discussing the idea.

(b) (5)

(b) (5) I told them I would pass this along and get input, (b) (5)

(b) (5)
(b) (5) Does

anyone have a different view? I will speak to Ed and Alex again tomorrow.

-----Original Message-----

From: Benczkowski, Brian A
Sent: Monday, May 06, 2002 4:34 PM
To: Keefer, Wendy J; O'Brien, Pat
Cc: Willett, Don; Dinh, Viet; Benedi, Lizette D
Subject: RE: Schumer Hearing

We also provided talkers on Boyle.

...

007104-003468

-----Original Message-----

From: Keefer, Wendy J

Sent: Monday, May 06, 2002 4:32 PM

To: O'Brien, Pat

Cc: Willett, Don; Dinh, Viet; Benczkowski, Brian A; Benedi, Lizette D

Subject: Schumer Hearing

Pat:

I was on part of the conference call and heard the discussion of Thursday's hearing. I just wanted you to know that we provided some basic talking points to Ed on Roberts and Estrada for Ed's use in preparing Boyden Gray, who is going to be one of the Republican witnesses. Let us know if there is anything else we need to do to make sure the right approach is taken in the Senate Thursday morning.

Wendy

Message Sent To: _____

"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP

Message Copied To: _____

"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP

Suit, Neal

From: Suit, Neal
Sent: Monday, February 4, 2002 4:46 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Dinh, Viet
Subject: 47 nominations number

It was the first terms of Clinton and Reagan (1994 and 1982) where they each nominated 47 judges prior to the State of the Union address. Thanks.

Neal

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, February 04, 2002 2:27 PM
To: Suit, Neal
Subject: Fact

We often say that President Bush has nominated judges at a "record pace" (which is a somewhat generic term) and then refer to the pace of the last 6 or so Presidents. I just want to

(b) (5)

(b) (5)

Thanks.

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Friday, January 25, 2002 3:05 PM
To: Bradford_A._Berenson@who.eop.gov
Cc: Newstead, Jennifer; Suit, Neal; Dinh, Viet; Brent_D._Greenfield@who.eop.gov
Subject: Re: Letter responding to Leahy floor statement

(b) (5)

Bradford A. Berenson
01/25/2002 01:23:07 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, viet.dinh@usdoj.gov @ inet,
jennifer.newstead@usdoj.gov @ inet

cc: Brent D. Greenfield/WHO/EOP@EOP, neal.suit@usdoj.gov Subject: Letter responding to Leahy floor statement

Leahy just made a floor statement in response to the Judge's op-ed (b) (5)

(b) (5)

Also, Jennifer, if you could have Neal Suit send me the latest talking points and statistics for use, that would be great. Thanks.

007104-003472

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Friday, January 25, 2002 2:53 PM
To: Bradford_A._Berenson@who.eop.gov
Cc: Newstead, Jennifer; Suit, Neal; Dinh, Viet; Brent_D._Greenfield@who.eop.gov
Subject: Re: Letter responding to Leahy floor statement
Attachments: judges status january 23 2002.doc; judges -- ABA June 17 talking points.doc;
judges letter to Senators August 15.doc

(See attached file: judges status january 23 2002.doc)(See attached file: judges -- ABA June 17 talking points.doc)(See attached file: judges letter to Senators August 15.doc)

Bradford A. Berenson
01/25/2002 01:23:07 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, viet.dinh@usdoj.gov @ inet,
jennifer.newstead@usdoj.gov @ inet

cc: Brent D. Greenfield/WHO/EOP@EOP, neal.suit@usdoj.gov Subject: Letter responding to Leahy floor statement

Duplicative Records

Suit, Neal

From: Suit, Neal
Sent: Friday, January 25, 2002 1:39 PM
To: 'Bradford_A._Berenson@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'; Dinh, Viet; Newstead, Jennifer
Cc: 'Brent_D._Greenfield@who.eop.gov'
Subject: RE: Letter responding to Leahy floor statement
Attachments: recess tps (word version).doc; judges status january 25 2002.doc

Here are two sets of tps. Both have been updated to reflect the two district seat confirmations today. That means there are 99 vacancies, 60 nominations pending, and a total of 30 confirmations. The tps are:

1. A set of tps about the first year pace- updated to reflect new vacancy number.
2. The tps the WH generated updated to reflect the new numbers today.

Thanks.

Neal

Neal Suit
Office of Legal Policy
United States Department of Justice
Phone: 202-514-6131
Fax: 202-353-9164

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Friday, January 25, 2002 1:23 PM
To: Brett_M._Kavanaugh@who.eop.gov; Dinh, Viet; Newstead, Jennifer
Cc: Suit, Neal; Brent_D._Greenfield@who.eop.gov
Subject: Letter responding to Leahy floor statement

Duplicative

First Year Judicial Nomination Confirmation Chart

President	District Nominees Submitted	District Nominees Confirmed	Circuit Nominees Submitted	Circuit Nominees Confirmed	Total Submitt-ed	Total Confirmed
Bush 2001	37	22 (59% Confirmed)	29	6 (21% confirmed)	66	28 (42 % Confirmed)
Clinton 1993¹	42	24 (57 % Confirmed)	5	3 (60% Confirmed)	47	27 (57% Confirmed)
Bush 1989	16	10 (62 % Confirmed)	9	8 (88% Confirmed)	45	41 (91% Confirmed)

Clinton v. Bush: A Comparison of the Confirmation Pace in the First Year

President	Nominees Submitted Before 11/01	Nominees Confirmed In the First Year	Nominees Submitted Before August Recess	Nominees Confirmed In the First Year
Bush 2001	60	28 (47% Confirmed)	44	25 (57% confirmed)
Clinton 1993	32	28 (88 % Confirmed)	14	13 (93% Confirmed)

¹ President Clinton nominated 29 individuals on October 25th or later. Considering the Senate recessed one month later on November 26th, it was impossible to get many of these nominees confirmed before the end of the year. In particular, the 11 individuals nominated on November 19th were not able to be confirmed before the recess and consequently made the confirmation rates in Clinton's first year lower than the actual confirmation pace.

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, January 23, 2002 12:34 PM
To: Newstead, Jennifer; Dinh, Viet; Chris_Henick@who.eop.gov;
Matthew_A._Schlapp@who.eop.gov; Douglas_L._Hoelscher@who.eop.gov;
Tim_Goeglein@who.eop.gov; Matthew_E._Smith@who.eop.gov;
Anne_Womack@who.eop.gov; Heather_Wingate@who.eop.gov
Subject: ALL CLEAR to use/distribute new talking points on judges
Attachments: judges status january 23 2002.doc

(See attached file: judges status january 23 2002.doc)

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, January 23, 2002 11:47 AM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Newstead, Jennifer; Dinh, Viet; Chris_Henick@who.eop.gov;
Matthew_A._Schlapp@who.eop.gov; Douglas_L._Hoelscher@who.eop.gov;
Tim_Goeglein@who.eop.gov; Matthew_E._Smith@who.eop.gov;
Anne_Womack@who.eop.gov; Heather_Wingate@who.eop.gov
Subject: (b) (5)
Attachments: judges status january 23 2002.doc

Brett M. Kavanaugh
01/23/2002 11:35:54 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: NEW TALKING POINTS ON JUDGES

Attached are the new talking points on judges to coincide with today's 24 nominations by the President. Please use as you see fit and distribute widely on Hill, to interested groups, to media, and to state and local.

Thanks.

(See attached file: judges status january 23 2002.doc)

Message Sent To: _____

007104-003477

Chris Henick/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
Douglas L. Hoelscher/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Anne Womack/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
viet.dinh@usdoj.gov @ inet
jennifer.newstead@usdoj.gov @ inet

Newstead, Jennifer

From: Newstead, Jennifer
Sent: Monday, January 14, 2002 1:09 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Dinh, Viet
Subject: RE: judges

1. I have no problem with that except (b) (5)

(b) (5)

2. I have asked Neal to do the research -- we'll try to have it by 4, if possible, but it may take a little time. Do you or someone there happen to know (b) (5)?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, January 14, 2002 1:01 PM
To: Newstead, Jennifer; Dinh, Viet
Subject: judges

2 issues:

1. What do you all think about (b) (5)

(b) (5)

2. Can Neal or someone do quick research on this?: How many (b) (5)

(b) (5)

Koebele, Steve

From: Koebele, Steve
Sent: Friday, October 26, 2001 10:39 AM
To: Dinh, Viet; 'Heather_Wingate@who.eop.gov'
Cc: 'Ziad_S._Ojakli@who.eop.gov'; Newstead, Jennifer; Bryant, Dan; Tucker, Mindy; Rabjohns, Lori; O'Brien, Pat; Day, Lori Sharpe; 'Matthew_E._Smith@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'; 'Bradford_A._Berenson@who.eop.gov'; 'Tim_Goeglein@who.eop.gov'; Carroll, James W (OLP); Suit, Neal; Benedi, Lizette D; Koebele, Steve
Subject: RE: Circuit Judge plan
Attachments: Action Plan-Summary-OLP-Estrada.rtf; Action Plan-OLP-Estrada 10-24-01.rtf

Regarding Mr. Estrada, attached below are (1) a Summary and (2) three subordinate plans. If you have difficulty opening these Word Documents, please drag to desktop and then open from the desktop.

These are mere drafts and are organic (will be updated for changed circumstances). Your input and suggestions will be helpful. Thank you. Steve.

-----Original Message-----

From: Dinh, Viet
Sent: Friday, October 26, 2001 8:58 AM
To: 'Heather_Wingate@who.eop.gov'
Cc: 'Ziad_S._Ojakli@who.eop.gov'; Newstead, Jennifer; Bryant, Dan; Tucker, Mindy; Rabjohns, Lori; O'Brien, Pat; Day, Lori Sharpe; 'Matthew_E._Smith@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'; 'Bradford_A._Berenson@who.eop.gov'; 'Tim_Goeglein@who.eop.gov'; Carroll III, James; Koebele, Steve
Subject: RE: Circuit Judge plan

Heather,

Will circulate close-hold rough drafts--I have not reviewed these, but you all are better at that any how. Jim and Steve, can you circulate the overall plan and the plans for Miguel Estrada to this e-mail group.

Report: meeting with Miguel and Senator Domenici went (b) (5)

(b) (5)

thanks,

viet

007104-003480

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]

Sent: Thursday, October 25, 2001 6:58 PM

To: Dinh, Viet

Cc: Ziad_S._Ojakli@who.eop.gov

Subject: Circuit Judge plan

Hi, Viet. Hey do you all have the "Circuit Judge" plan ready to circulate? (b) (5)

(b) (5)

... Thanks!

And Congrats on the Anti-Terrorism bill!!! HW

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, October 23, 2001 11:16 PM
To: Dinh, Viet; Kristen_Silverberg@who.eop.gov
Subject: NEW TALKING POINTS – terrorism liability
Attachments: terrorism liability talking points 10 24.doc

Attached is what I devised based on the points I circulated to Sheila today, Viet's points, and other thoughts I have had. Please give me any comments you have.

(See attached file: terrorism liability talking points 10 24.doc)

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, October 23, 2001 8:36 PM
To: 'Kristen_Silverberg@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: Talking points on Tort and Terrorism
Attachments: Terrorism Insurance.wpd

007104-003483

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Monday, October 22, 2001 2:32 PM
To: Kyle_Sampson@who.eop.gov
Cc: Dinh, Viet; Bradford_A._Berenson@who.eop.gov;
Elizabeth_N._Camp@who.eop.gov; Alberto_R._Gonzales@who.eop.gov;
Brett_M._Kavanaugh@who.eop.gov; Timothy_E._Flanigan@who.eop.gov;
Heather_Wingate@who.eop.gov
Subject: Re: Letter to Leahy and Hatch
Attachments: October letter to Leahy and Hatch.doc

On the 41 number, why don't we (b) (5)
(b) (5)

Kyle Sampson
10/22/2001 01:13:04 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message bcc:
Subject: Re: Letter to Leahy and Hatch (Document link: Brett M. Kavanaugh)

Good letter. I have two comments:

(b) (5)

(b) (5)

007104-003484

Bradford A. Berenson
10/22/2001 09:45:33 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message Subject: Letter to Leahy and Hatch

(See attached file: October letter to Leahy and Hatch.doc)

Here is a newly updated letter on the status of confirmations. I believe that (b) (5)

(b) (5)

Libby, please print in final for the Judge's consideration and (hopefully) signature, and let me know if and when this goes out. Thanks.

Message Copied To: _____

Brett M. Kavanaugh/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
viet.dinh@usdoj.gov
Heather Wingate/WHO/EOP@EOP

Message Copied To: _____

elizabeth n. camp/who/eop@eop
alberto r. gonzales/who/eop@eop
brett m. kavanaugh/who/eop@eop
timothy e. flanigan/who/eop@eop
viet.dinh@usdoj.gov

007104-003485

heather.wingate@eop.gov
heather wingate/who/eop@eop

Dinh, Viet

From: Dinh, Viet
Sent: Friday, October 19, 2001 5:42 PM
To: Whelan, M Edward III; Newstead, Jennifer
Cc: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: legislative tweak to 13 USC 9

No. But good idea. Should we consider (b) (5)

?

-----Original Message-----

From: Whelan, M Edward III
Sent: Friday, October 19, 2001 4:53 PM
To: Dinh, Viet; Newstead, Jennifer
Subject: RE: legislative tweak to 13 USC 9

Does the approved legislative packag (b) (5) ?

-----Original Message-----

From: Whelan, M Edward III
Sent: Thursday, October 04, 2001 1:12 PM
To: Dinh, Viet; Newstead, Jennifer
Subject: legislative tweak to 13 USC 9
Importance: High

Viet and Jennifer:

Brett Kavanaugh has asked me to pass along the following: (b) (5)

[REDACTED]

Here's my first stab at a legislative fix:

(b) (5)

[REDACTED]

Ed

007104-003487

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, October 3, 2001 10:27 AM
To: Dinh, Viet
Subject: Re: Claims process

Relatedly, I think it is very important (b) (5)

(b) (5)

Brett M. Kavanaugh
10/03/2001 10:04:08 AM

Record Type: Record

To: Viet.Dinh@usdoj.gov

cc:
Subject: Claims process (Document link: Brett M. Kavanaugh)

I think consideration should be given (b) (5)

For example:

(b) (5)

007104-003488

(b) (5)

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, October 2, 2001 3:46 PM
To: Thorsen, Carl; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: one-pager for Apperson

Done.

-----Original Message-----

From: Thorsen, Carl
Sent: Tuesday, October 02, 2001 11:43 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Dinh, Viet
Subject: RE: one-pager for Apperson

We've been hard at work on this. Between us, (b) (5)

(b) (5) Expect to get him something today.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, October 02, 2001 11:09 AM
To: Thorsen, Carl
Cc: Dinh, Viet
Subject: one-pager for Apperson

Apperson says he has been seeking a one-pager from DOJ on pen registers, wiretaps, and trap and trace. Can you all follow up with him?

007104-003490

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, October 02, 2001 12:24 PM
To: Elwood, John; Dinh, Viet; Courtney_S._Elwood@who.eop.gov
Subject: Re: Title 3

FYI: I have now conferred more fully with John, and he has raised some good options

(b) (5)

(b) (5)

Brett M. Kavanaugh
10/02/2001 10:50:08 AM

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP

cc: viet.dinh@usdoj.gov, john.elwood@usdoj.gov Subject: Title 3

I have conferred briefly with John about Title 3. I think Viet and

(b) (5)

(b) (5) The following is a quick summary; if anyone thinks I have misinterpreted any provision, please point that out ASAP.

(b) (5)

(b) (5)

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, October 2, 2001 9:57 AM
To: Alberto_R._Gonzales@who.eop.gov; Timothy_E._Flanigan@who.eop.gov;
Courtney_S._Elwood@who.eop.gov; Nancy_P._Dorn@who.eop.gov;
Robert_Marsh@who.eop.gov
Cc: Dinh, Viet
Subject: Position on House anti-terrorism bill/remaining issues

I have conferred with Viet. Our preliminary position on the House bill (b) (5)

(b) (5)

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, June 26, 2001 11:16 AM
To: 'Brett_M._Kavanaugh@who.eop.gov@inetgw'
Subject: RE: Carolyn Kuhl -- Do not circulate

why is brad berenson message not deliverable--have you kicked him out?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov@inetgw
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 26, 2001 10:30 AM
To: Dinh, Viet
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A;
Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Joy,
Sheila; 'bradford_a._berenson@who.eop.gov@inetgw';
Timothy_E._Flanigan@who.eop.gov@inetgw;
Ziad_S._Ojakli@who.eop.gov@inetgw; Tim_Goeglein@who.eop.gov@inetgw;
'matt_smith@who.eop.gov'
Subject: RE: Carolyn Kuhl -- Do not circulate

Looks good. I would add (b) (5)

(b) (5)

We also need to (b) (5)

(b) (5)

With that in mind, we need to be sure that (b) (5)

(b) (5)

007104-003494

(Embedded
image moved "Dinh, Viet" <Viet.Dinh@usdoj.gov>
to file: 06/26/2001 09:45:03 AM
PIC20724.PCX)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: RE: Carolyn Kuhl – Do not circulate

Note: Some recipients have been dropped due to syntax errors.
Please refer to the "\$AdditionalHeaders" item for the complete headers.

Brett,

Great ideas. Based on our Working Group discussion and my conversations with Carolyn yesterday, here is what I propose:

(b) (5)

(b) (5)

What do you all think?

All best,

Viet

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov@inetgw

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Sunday, June 24, 2001 2:17 PM

To: Newstead, Jennifer; Ciongoli, Adam; Bryant, Dan; Ullman, Kristen A;

Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Joy,

Sheila; Dinh, Viet; 'bradford_a._berenson@who.eop.gov'@inetgw;

Timothy_E._Flanigan@who.eop.gov@inetgw;

Ziad_S._Ojakli@who.eop.gov@inetgw; Tim_Goeglein@who.eop.gov@inetgw;

'matt_smith@who.eop.gov'

Subject: Carolyn Kuhl

It is clear that Carolyn Kuhl (b) (5) I have
a few ideas (in no particular order) to throw out for the group's consideration:

(b) (5)

Message Sent

To:

"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested)
"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Brett M. Kavanaugh/WHO/EOP
""'bradford_a._berenson@who.eop.gov'@inetgw'"
<'bradford_a._berenson@who.eop.gov'> (Receipt Notification Requested) (IPM Return Requested)
Timothy E. Flanigan/WHO/EOP
Ziad S. Ojakli/WHO/EOP
Tim Goeglein/WHO/EOP
""matt_smith@who.eop.gov"" <matt_smith@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested)

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, June 26, 2001 11:12 AM
To: 'Brett_M._Kavanaugh@who.eop.gov@inetgw'
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A; Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Joy, Sheila; 'bradford_a._berenson@who.eop.gov@inetgw'; 'Timothy_E._Flanigan@who.eop.gov@inetgw'; 'Ziad_S._Ojakli@who.eop.gov@inetgw'; 'Tim_Goeglein@who.eop.gov@inetgw'; 'matt_smith@who.eop.gov'
Subject: RE: Carolyn Kuhl – Do not circulate

agreed.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov@inetgw
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 26, 2001 10:30 AM
To: Dinh, Viet
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A; Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Joy, Sheila; 'bradford_a._berenson@who.eop.gov@inetgw'; Timothy_E._Flanigan@who.eop.gov@inetgw; Ziad_S._Ojakli@who.eop.gov@inetgw; Tim_Goeglein@who.eop.gov@inetgw; 'matt_smith@who.eop.gov'
Subject: RE: Carolyn Kuhl – Do not circulate

Duplicative Records